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ABSTRACT

The document is the second part of a study conducted to evaluate policy-related research in police diversion as an alternative solution to arrest. It focuses on the study design, findings, and policy implications of the Arrest Decisions as Preludes To? (ADAPT?) project. Police diversion was analyzed through an evaluation of arrest literature which were checked for actual use by 88 individuals affiliated with law enforcement. Actual practice by 228 law enforcement officers in 10 different departments was also studied based on the following areas: (1) police interview schedules, (2) arrest setting and its corrollaries, (3) arrest alternative programs, and (4) the place of arrest in police work. Findings from the interviews reveal a general openness to the use of arrest alternatives and the existence of differential perceptions among officers of what alternatives exist and what constitutes a situation in which consideration of an arrest option is appropriate. Findings from the evaluation of arrest literature are based on the following criteria: internal validity, study strengths and weaknesses, internal consistency, and external validity. The policy implications of police diversion research and its future development are discussed. A 13-page bibliography of articles, books, reports, and miscellaneous materials is appended. (Author/EC)

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# ARREST DECISIONS AS PRELUDES TO ?

## AN EVALUATION OF POLICY RELATED RESEARCH

Volume II: Study Design, Findings, and Policy Implications

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June 1974

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The contents of this report are the sole responsibility of the authors

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The pages of this report reflect the cooperation of far more persons than can be listed. Sources of documentation from all over the United States have been tapped for study. Ten law enforcement agencies allowed their staffs to volunteer for project interviews. Several police officials served as consultants, lending their talents and experience liberally.

The National Science Foundation funded our work; the National Council on Crime and Delinquency Research Center provided our base of operations. The National Council on Crime and Delinquency Library, Information Center, and Law Enforcement Council staff were valuable resources.

# ARREST DECISIONS AS PRELUDES TO ?
## AN EVALUATION OF POLICY RELATED RESEARCH

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## Volume II: Study Design, Findings, and Policy Implications

This is the second in a three volume set comprising the final report to the National Science Foundation on the "Arrest Decisions as Preludes to ? (ADAPT?)" project. The study, spanning July 1, 1973 through June 30, 1974, was designed to evaluate the police diversion evaluation literature, with special emphasis on the effects of law enforcement use of offender approaches which do not lead to further penetration of the criminal justice system, and draw out the policy implications in that literature.

This volume describes the study, including background information, an overview of methodology, and a narrative report of findings. The volume ends with an extensive bibliography.

Companion Volume I gives a summary account of the project and contains a training script. Volume III presents study methodology and results in a more technical and detailed manner.

# Chapter A

# THE PROJECT IN PERSPECTIVE

## Introduction

The criminal justice system (if there be such) can be viewed from multiple perspectives. Regardless of one's vantage point, though, it is clear that as alleged offenders move through the criminal justice process fundamental descisions are made at multiple junctures, by policemen, prosecutors, defense attorneys, judges, correctional administrators, and appellate justices who see the mission and priorities of the system diversely.[1]

It is important to recognize that attempts to look at criminal justice decisions have centered on the "back"[2] of the system and little assessment of initial determinations has transpired. Studies of decisions to release from parole,[3] the modes of official action against parole[4]/probation[5] violators, decisions to release to parole[6]/probation,[7] court sentencing disparities,[8] and bail release[9] are much more available than is docu-

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[1]Miller, F. W., R. D. Dawson, G. E. Dix, and R. I. Parnas, *The Police Function*. Mineola, New York: The Foundation Press, Inc., 1971, p. 15. Some have asserted police have more discretion than any other public officials; see Hindman, R. L., review of E. Bittner, *The Functions of the Police in Modern Society*, *Crime and Corrections* 2:30-34 (Spring 1974).

[2]An interesting, early exception to this is Fajen, E., "Curing Delinquency at the Source," *Survey* LXXXII:261-262 (October, 1946).

[3]E.g., Robison, J. O., M. N. Robison, R. Kingsnorth, and G. Inman, *By the Standard of His Rehabilitation*, Research Report Number 39. Sacramento: California Department of Corrections, Research Division, January 1971.

[4]E.g., Neithercutt, M. G., "Parole Violation Patterns and Commitment Offense," *Journal of Research in Crime and Delinquency* 9:87-98 (July 1972).

[5]E.g., *Subsidy, A Perspective*, Research Report Number 6. Sacramento: Bureau of Criminal Statistics, January 1973.

[6]E.g., Gottfredson, D. M., L. T. Wilkins, P. B. Hoffman, and S. M. Singer, *The Utilization of Experience in Parole Decision-Making, A Progress Report*. Davis, California: NCCD Research Center, June 1973.

[7]Rutherford, A., "The California Probation Subsidy Programme," *British Journal of Criminology* 12:186-188 (1972).

[8]Wooton, B., *Social Science and Social Pathology*. New York: The MacMillan Company, 1959, p. 48.

[9]E.g., Steggerda, R. O. and P. S. Venezia, *Community-Based Alternatives to Traditional Corrections*. Davis, California: NCCD Research Center, February 1974; Locke, J. W., R. Fenn, J. Rick, E. Bunten, and G. Hare, *Compilation and Use of Criminal Court Data in Relation to Pre-Trial Release of Defendants* (Revision Number 2). Washington: National Bureau of Standards, April 1970; and Gottfredson, D. M., *Measuring Attitudes Towards Juvenile Detention*. Davis, California: NCCD Research Center, September 1969.

mentation of the charging proclivities of prosecutors[10] and the arrest practices of police.[11]

This last category was the subject of the "Arrest Decisions as Preludes to ?" project. Specifically, this work sought to examine the context in which police face arrest decisions, the types of elections they make,[12] and the results of those choices as these are reflected in police literature. The end sought in this undertaking was a better grasp of the policy implications derivable from the present state of the hoary[13] police-arrest-discretion "art."

This chapter summarizes the manner in which the study was conducted. It sets the stage for the chapters which comprise the balance of this volume, wherein are located details both of manner of inquiry and findings.

The reader with a strong interest in technical detail will want to consult Volume III, the heavily numerical part of this report.

**Evaluation Design**

Arrest Literature

The literature on the effects of police decisions to arrest[14] or not to

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[10]E.g., Greenwood, P. W., S. Wildhorn, E. C. Poggio, M. J. Strumwasser, and P. DeLeon, *Prosecution of Adult Felony Defendants in Los Angeles County: A Policy Perspective*. Santa Monica: Rand Corporation, March 1973.

[11]E.g., Sundeen, R. A., Jr., *A Study of Factors Related to Police Diversion of Juveniles: Departmental Policy and Structure, Community Attachment, and Professionalization of Police*. Ann Arbor: University Microfilms, 1972 (unpublished dissertation).

The reason for this may be, partially, the fact that arrest is seen "in the theory and rhetoric" of our judicial system as the mere gateway to the legal system, forgetting that in the eyes of defendants it can be the most important event in the justice process. See Capser, J. D., *American Criminal Justice*. Englewood Cliffs; Prentice-Hall, Inc., 1972, pp. 34 and 37.

[12]An instructive listing of arrest practices in several different situations is found in Miller, F. W., R. O. Dawson, G. E. Dix, and R. I. Parnas, *Criminal Justice Administration and Related Processes: Cases and Materials*. Mineola, New York: The Foundation Press, Inc., 1971, pp. 43-44.

[13]Lane, R., *Policing the City: Boston, 1822-1885*. Cambridge: Harvard University Press, 1967, pp. 190-195, passim.

[14]"Arrest" is used herein to mean "to deprive a person of his liberty by legal authority." See Black, H. C., Black's Law Dictionary, St. Paul, Minnesota: West Publishing Company, 1961, p. 140. It is used without regard to age of client, knowing full well that this terminology is not preferred in many jurisdictions when referring to juveniles. That discretion in the arrest-possible situation is mammoth seems a given. See, for comments on the "art" of making this choice, Smith, B., *Police Systems in the United States*, revised edition. New York: Harper and Row, 1960, p. 18; Chevigny, P., *Cops and Rebels*. New York: Pantheon Books, 1972; and Chevigny, P., *Police Power*. New York: Pantheon Books, 1969. For evidence that this is a problem for police personnel see: Reiss, A. J., Jr., *Career Orientation, Job Satisfaction, and the Assessment of Law Enforcement in Major Metropolitan Areas*, Volume 2. Washington: United States Government Printing Office, May 1967, pp. 115 ff.

arrest was sought out, evaluated in detail, and is reported herein. Several sources of this documentation were utilized.

First, inquiry was made of the National Council on Crime and Delinquency (NCCD) Information Center. NCCD information analysts locate, abstract, and disseminate information in all subject areas of crime and delinquency; their valuable talents were focused on the problem initially through a literature search of all subject areas likely to produce writings on the effects of arrest decisions by police. Further, throughout this project those resources were available as new pertinent writings were located by the Information Center. Abstracts of relevant documents also were provided to project staff. The abstracts saved a great deal of reading time, in that documents could be screened for relevance more easily.

Second, the NCCD crime and delinquency library, including the provision of accumulated, current, and on-going lists of library acquisitions in conjunction with supply of all documents from the library which project staff might want to review, was accessed. The sources located by the Information Center were forwarded by the library, whose patience in allowing retention of mountains of documents for several months' duration was greatly appreciated.

Third, libraries of the University of California campuses also were used. These are especially valuable given the Berkeley School of Criminology library's large collection of pertinent works, found in the Social Science Reference Service Library collection. The usual resources were consulted, including *Reader's Guide to Periodical Literature, Social Science and Humanities Index, Psychological Abstracts, Books in Print, Public Affairs Information Service,* and *Abstracts on Criminology and Penology.* These were supplemented by such works as *Crime and Delinquency Abstracts,* the *International Bibliography on Crime and Delinquency,* and *Crime and Delinquency Literature.*

In this category, also, are bibliographies which provide access to pertinent materials. Examples of these are those authored by Becker, Hewitt, and McGehee.[15]

Fourth, a "chain interview" was employed to expand on the works discovered by the techniques set out above. This consisted of contacting by telephone each of the authors of pertinent writings, asking that person to cite all work known in the subject area. In addition, names of three (or more) others who would be sources of this type of information were requested. Members of NCCD's Research Council were included in this activity. This technique served to uncover unpublished studies,

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[15]Becker, H. K. and G. G. Felkenes, *Law Enforcement: A Selected Bibliography.* Metuchen, New Jersey: Scarecrow Press, 1968; Hewitt, W. H., *A Bibliography of Police Administration, Public Safety, and Criminology to July 1, 1965.* Springfield: Charles C. Thomas, 1967; and McGehee, A. L., *Police Literature: An Annotated Bibliography.* Athens: University of Georgia Institute of Government, 1970.

obscure published studies, and work in progress. Further, it gave an index to the extent of each particular work's impact on thinking in the field, in that frequencies of mention were recorded on each publication. This was augmented by frequency-of-citation data from the *Social Sciences Citation Index*.

Thereafter, a bifurcated interview technique was used in assessing the accuracy of the literature pertaining to police officers' beliefs about their arrest decisions' effects. A sample of officers was drawn from selected police departments and these persons were asked a series of questions about the procedures they used to avoid arrest. Additionally, each officer was asked about the effects of arrest and of the alternate procedures he described. This audited the comprehensiveness of the literature, gave an idea of what police officers know of the alternates to arrest available to them, and indicated what information they possess about the effects of their use of alternatives.

A second sample of officers was interviewed slightly differently. They responded to the same questions but their answers were recorded so that no one but the respondent knew what answer had been given.[16] These served the purposes set for the first group of police interviews and allowed address of the issue of whether responses to what may be seen as "sensitive" questions change when the information source's identity is shielded.

### Assessment of literature

Police are faced with three prototype alternatives when they meet a problem circumstance, plus the option of avoiding encountering such circumstances. That is, when officers are to be dispatched[17] to a crime scene they can—to a limited extent—attempt to avoid the assignment by not answering the police radio, respond with some "reason" for not accepting the task[18] or go as dispatched. Once they appear on the scene, officers have three options: (1) they can arrest one or more persons, (2) they can refuse to arrest and leave circumstances fundamentally unaltered or make input to the situation aimed at "solving the problem" or (3) they can use an alternative referral. Assessment of the effects of each of these options is reported herein, both as reflected in the evaluation literature and in the police officer interviews conducted.

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[16]See Warner, S. L., "Randomized Response: A Survey Technique for Eliminating Evasive Answer Bias," *Journal of American Statistical Association* 60:63-69 (March 1965).

[17]This is apparently the most common method whereby police are mobilized. See Black, D. J. and A. J. Reiss, Jr., *Patterns of Behavior in Police and Citizen Transactions*. Vol. 2 of *Studies in Crime and Law Enforcement in Major Metropolitan Areas*. Washington: United States Government Printing Office, 1967, p. 20.

[18]Though they would hardly qualify as studies of this phenomenon, Wambaugh, J., *The New Centurions*. New York: Dell Publishing Company, 1970 and Wambaugh, J., *The Blue Knight*. New York: Dell Publishing Company, 1972 contain several informative references to the topic. Also see: Rubinstein, J., *City Police*. New York: Farrar, Straus, and Giroux, 1973.

**Evaluation Principles and Criteria**

The police diversion literature was reviewed from several perspectives. This analysis used a set of grids into which each subject study was abstracted. The grids encouraged consistency of assessments and served as a reference source for description of findings. The structured portion of the project's approach included these elements, in outline form.

1. Internal Validity—refers to whether proper methods and data were used to answer the questions each research study asked.

   a. Data

   Did the research formulate a clear problem, set out one or more hypotheses, and gather and analyze data which addressed the hypotheses?

   Failures to identify a target population, decide beforehand tangible results to be sought, and omission of application of objective tests of "success" of the approach were of central concern. Sufficiency of follow-up and comparison data were examined; data sources used were catalogued.

   b. Methods

   Were the evaluation techniques used sufficient to the task?

   Gathering data which are quite useful but treated inappropriately and failure to see concomitants other than "treatment" influences were central here. Alternative explanations for reported program success were explored. Since evidence of change in data can be overlooked, re-analysis of data using alternate tools was undertaken on occasion. Studies where there is not enough information to make an extrapolation were identified and the implications of findings were detailed.

2. Study Strengths and Weaknesses

   How balanced is the research being evaluated?

   Any study areas left unexplored which seemed important guides to arrest-decision policy were identified. Extended pursuit of some questions and omission of others, a common phenomenon, is the prime index to lack of a balanced study approach.

3. Internal Consistency

   Does the research report on a unitary phenomenon?

   Since one cannot weight a program evaluation if the research report describes two or more programs intertwined or if the evaluation techniques change over time, consistency is an important consideration. Evidence of use of reliability and/or validity tests sought to assess whether a unitary evaluation approach prevailed.

4. External Validity—addresses the issue of consonance of findings and, thus, the generalizability of given conclusions.

Are various studies of a given type compatible in result?

Each study in a category was juxtaposed with others like it to ascertain degree of similarity in findings. Cost benefits claimed for a given intervention technique were compared across studies, when provided, as were "Treatment Effects," other important environmental factors, and "Restrictions on Population, etc., Applications."

5. Policy Relevance

The "So What?" question terminates this study portion. Implications for policy decisions were looked for in each study finding. Those having pertinence to arrest-decision policy are detailed. Whether the studies gave clear results, were consistent, were broad in application or could be applied to narrow but explicit population subsets, contravened existing policies for overriding reasons, and advanced policies which can be interpreted, understood, and implemented was at issue here.

**Inter-rater Reliability**

The studies analyzed were screened by a single project staff member and any document that evaluated a program (however informal) involving police arrest or processing was identified. These studies were read by one of four staff and reduced to analysis grid form. Each study was then re-reviewed by one of two staff members, not including the original analyst, independently. The grid prepared by the first analyst was checked, and "corrected," if necessary.

**Dissemination and Utilization of Results**

The product of this literature research project has taken two forms. This final report sets forth the results of the analytical activities described above. It is meant for use by all who want to study the methodology, findings, and implications of this study. It details analytical procedures and results and suggests additional research evidence needed on arrest versus no-arrest decisions.

Included herein is a segment designed for careful consideration by the decision-makers who are the "users" of the "product" this report represents. This section takes the form of a script (found in Volume I, Part B) for a video tape, the script and tape, if made, being the devices for full dissemination of project results to appropriate target audiences.

This script sets out various circumstances (scenes) in which police are called upon to make decisions and follows these decisions to the end deemed most likely. The "play" shows officers and policy makers what can be expected to happen when a given alternative is utilized. It concentrates on emphasizing the most likely results both to the criminal justice system and clients, and can instruct by example rather than by lecture and fiat. Of particular concern here is the necessity for police to appreciate how their behaviors impact persons throughout the community.

This script is aimed at all interested police agencies and is available to NCCD's Information Center for dissemination. It also has been submitted to NCCD's publication department for consideration for publication in the journal *Crime and Delinquency*. The script has been developed in such a way that it can be used either for preparation of a video tape or as a resource document for dramatic presentations (such as role playing) to law enforcement and other criminal justice agency personnel.

**Conclusion**

This chapter recounts the steps taken in the "ADAPT?" project. It sets the stage for coming chapters by showing how the portions of work described in those chapters fit into the total plan of "ADAPT?". It sketches the relevance of this study from the perspective of criminal justice research.

Other comments in order here have to do with the place of the arrest decision in offenders' lives. Although estimates of the extent citizenry are liable to accumulation of a criminal record vary wildly, it seems safe to assume that a relatively small proportion of the United States population will be arrested for anything more serious than traffic matters during their lifetimes.

There is a danger, from that, of accepting the assumption that arrest is a research concern wisely "swept under the carpet." If for no other reason, omission of study of arrest would be a large error because the arrest juncture is the gateway to criminal justice processing. Effective and efficient operation by police in this area can save untold costs in human suffering, not to mention dollars.[19]

This study broaches only a small portion of the concerns that are salient in achieving perspective on the law enforcement policy horizon. When one realizes how great the effects of subtle changes in population,[20] the criminal justice system,[21] citizens' demands,[22] criminal

[19]A recent long term study of female parolees gives a hint of these costs. Each woman, depending on number of parole violation returns, costs the corrections and parole system from $8,689 to $30,101 incident to one initial prison commitment. Spencer C. and J. E. Berecochea, *Recidivism Among Women Parolees: A Long Term Survey* Sacramento: Research Division, California Department of Corrections, July 1972, pp. 18-19. Considering that it costs from $100,000 to $200,000 per year to field one two-man patrol car—"Analysis of Urban Service Systems," Cambridge: Massachusetts Institute of Technology, 1974 (summer session brochure)—one is not surprised to see figures in excess of $6 billion per year reported for national police expenditures. *Expenditure and Employment Data for the Criminal Justice System 1970-1971*. Washington: United States Department of Commerce, April 1973, p. 11.

[20]For a discussion of the effects on crime rates from changes in the proportion of United States population aged 15-24 see Morris, N., "Catchers, Triers, and Keepers: A Modern Dilemma," in *Proceedings, Fifth Annual Interagency Workshop of the Institute of Contemporary Corrections and the Behavioral Sciences*. Huntsville, Texas: Institute of Contemporary Corrections and the Behavioral Sciences, Sam Houston State University, June 8-19, 1970.

[21]Chevigny, P., *Cops and Rebels, loc. cit.* contains numerous discussions of how "the system" impacts peoples' perceptions. His comments (p. 303) on how the mis-

codes,[23] crime patterns and their reporting,[24] enforcement policy,[25] etc. can be on police practices and their costs, a glimmer of the magnitude of problems in this study area appears.

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demeanor court shapes impressions of criminal justice have direct relevance to what police officers face on the streets. It is commonly believed that police have a "poor image." At least one study, however, notes that citizens see judges and policemen very similarly. Jacob, H., "Black and White Perceptions of Justice in the City." *Law and Society Review* 6:68-89 (August 1971). An article tending to give current confirmation to this suspicion is Swan, L. A., "The Politics of Identification, A Perspective of Police Accountability," *Crime and Delinquency* 20:119-128 (April 1974), at p. 119.

[22]The notion that these are new problems is easy to accept, though inaccurate. In 1919 Hugo Pam, President of the Institute of Criminal Law and Criminology, said ". . . the boldness of the crimes and the apparent helplessness of the law have embittered the public to the extent that any advance in treatment of criminals save punishment is looked upon with disfavor." See Kamisar, Y., "When the Cops Were Not 'Handcuffed,' "in Cressey, D. R., *Crime and Criminal Justice*. Chicago: Quadrangle Books, 1971, p. 48.

[23]Even a slight legislative error can present police with onerous new burdens. This can bring conflicts with social sectors which police are ill-equipped to face. Says Ramon de la Fuente, Chief, Department of Physiological Medicine and Psychiatry, Mexico City University, "The physician has two responsibilities: moral and civil . . . sometimes physicians have had to become executors of crimes because laws come in the way of moral responsibility." in Small, R. A. "Life and Death Debate Continues Among Doctors," *Biomedical News* IV:13 (October 1973).

[24]An interesting example of crime reporting variability is found in Vorenberg, J., "Is the Court Handcuffing the Cops?" in Cressey, *op. cit.*, pp. 84-85.

[25]Were their report to be taken seriously, the National Advisory Commission would greatly curtail police discretion by their apparent requirement that an arrest be made for any "conduct itself sufficiently serious to constitute a crime . . ." National Advisory Commission on Criminal Justice Standards and Goals, *Police*. Washington: United States Government Printing Office, 1973, p. 24.

## CHAPTER B

## POLICE DIVERSION, LITERATURE AND PRACTICE

### General

Law enforcement has its roots in conflict; inherent in the presence of more than one person is the possibility for disagreement, and that is the source of law. Since those roots have had a long period in which to extend themselves, the amount of writing done in relation to police pursuits would be expected to be large, both from longevity and inherent interest.

The expectation is confirmed by a trip to the library. The problem is not one of finding printed matter about police; it is one of where to start in looking at the publications.

"ADAPT?" staff felt the need to study the general police literature as a source of a frame of reference for the ensuing diversion assessment. A more personal acquaintance with police practice than the printed word could afford also was sought.

### Diversion Literature

Since the interests motivating this project were relatively narrow, several ways were devised to assure staff knowledge of and access to the materials available on police discretion in the arrest setting. Initially the usual topical indices including the *Social Science and Humanities Index*, *Abstracts on Criminology and Penology*, and *Psychological Abstracts* were referenced.

The NCCD Information Center supplied both a bibliography and abstracts of works central to project concerns. The NCCD library sent copies of the documentation requested and allowed extensive use of these materials.

Chain Interviews

The "chain interviews" were performed after familiarity with the literature had been established. This served as one means to discover studies in the area of police diversion which might have been missed had published materials been used exclusively. A frequency count was kept of those persons and works cited. This allowed estimation of the extent of referred persons' and works' visibility in the field and location of additional studies of interest.

From the telephone chain interviews staff were able to locate 88 persons[1] with a wide range of backgrounds in academic and work experience. Many were affiliated with academic institutions in fields such

[1]Attempted contacts with a number of other persons ended unsuccessfully.

as: sociology, criminology, social work, political science, police science, and law. Other individuals were associated with organizations such as: American Bar Foundation and American Bar Association, Social Advocates for Youth, Partners, International Association of Chiefs of Police, National Police Foundation, a psychiatric hospital, and a medical clinic. Persons were also contacted in the Vera Institute of Justice, police departments, state and city crime commissions, youth development and service bureaus, and the National Center on Volunteerism.

The interviews provided a check on the preceding library research. They had other fallout as well.

Two related observations emerged from the chain interviews. First, the frequency count of individuals cited revealed no predominantly recognized authorities in the area of police diversion. The individual named most often was mentioned only 8 times. There was 1 person referred to 6 times and 5 individuals were cited 5 times. It may be seen from Table 1 that all other persons were mentioned once or twice and, a few, 3 times. Many were named more for their general work in regard to police and/or juvenile delinquency than the specific area of police diversion. A number of people could think of no one to refer. In all, 114 persons and organizations were named (112 persons and 2 organizations).

**TABLE I**
**Chain Interview Frequencies of Mention Persons**

| NUMBER OF TIMES CITED | FREQUENCY | TOTAL CITATIONS |
|---|---|---|
| 1 | 77 | 77 |
| 2 | 21 | 42 |
| 3 | 9 | 27 |
| 4-5 | 3 | 15 |
| 6+ | 2 | 14 |
| Total | 112 | 175 |

Secondly, the works in this area were diffusely referenced, as may be seen in Table II. The 2 most commonly known studies were Professor Klein's paper, "Labeling and Recidivism: A Study of Police Dispositions of Juvenile Offenders," cited 6 times, and Professor Lemert's monograph, *Instead of Court: Diversion in Juvenile Justice*, referred to 5 times. Most other studies were mentioned once or twice. Similar to the above, many references were to works that generally dealt with police and/or juvenile delinquency and not necessarily police diversion. To be sure, there is a lack of publications in this specialty. Even fewer works than persons possibly knowledgeable in this area were cited.

## TABLE II

### Police Diversion Chain Interviews

### Works

(frequencies of mention in parentheses)


Allen, Francis A., *The Borderland of Criminal Justice. Essays in Law and Criminology.* Chicago: University of Chicago Press, 1964. (1)

American Bar Association, *The Urban Police Function.* New York: American Bar Association, 1972. (3)

Bard, Morton, Joseph Zacker, and Elliott Rutter, *Police Family Crisis Intervention and Conflict Management.* Prepared for the Department of Justice, Law Enforcement Assistance Administration, April, 1972. (1)

Behavioral Research and Evaluation Corporation, *National Evaluation of Youth Service Systems.* Boulder, Colorado: Behavioral Research and Evaluation Corporation, July 1, 1973 (3)

Berleman, William C. and Thomas W. Steinburn, "The Value and Validity of Delinquency Prevention Experiments," *Crime and Delinquency,* October, 1969, pp. 471-478. (1)

Bittner, Egon, *The Functions of the Police in Modern Society: A Review of Background Factors, Current Practices, and Possible Role Models.* Chevy Chase, Maryland: National Institute of Mental Health, Center for the Study of Crime and Delinquency, 1970. (1)

Black, Donald, J., "The Social Organization of Arrest," *Stanford Law Review,* Vol. 23, 1971, pp. 1087-1111. (1)

Bordua, David J., Ed., *The Police: Six Sociological Essays.* New York: John Wiley and Sons, Inc., 1967. (1)

Bordua, David J., "Recent Trends: Deviant Behavior and Social Control," *The Annals of the American Academy of Political and Social Science,* January, 1967 pp. 149-163. (3)

Brakel, Samuel J., "Diversion from the Criminal Process: Informal Discretion, Motivation, and Formalization," *Denver Law Journal,* Vol. 48, 1971, pp. 211-238. (1)

Cain, Maureen E., *Society and the Policeman's Role.* London: Routledge and Regan Paul, 1973. (1)

Cicourel, Aaron V., *The Social Organization of Juvenile Justice.* New York: John Wiley and Sons, Inc., 1968. (1)

Cressey, Donald R. and Robert A. McDermott, *Diversion from the Juvenile Justice System.* Ann Arbor, Michigan: National Assessment of Juvenile Corrections, 1973. (2)

Cumming, Elaine, *Systems of Social Regulation.* Chicago: Aldine Publishing Co., 1968. (1)

Cumming, Elaine, Ian Cumming, and Laura Edell, "Policeman as Philosopher, Guide and Friend," *Journal of Social Problems,* Vol. 12, No. 3, 1965, pp. 276-286. (1)

Department of the California Youth Authority, *Youth Service Bureaus: A National Study.* Washington, D.C.: U.S. Department of Health, Education and Welfare, 1973. (1)

Edlen, Robert and Betty Adams, Eds., *Volunteer Courts: A Child's Helping Hand.* Washington, D. C.: Law Enforcement Assistance Administration, April, 1970. (1)

Eldefonso, Edward, *Law Enforcement and the Youthful Offender: Juvenile Procedures.* New York: John Wiley and Sons, Inc., 1967. (1)

Emerson, Robert M., *Judging Delinquents: Context and Process in Juvenile Court.* Chicago: Aldine Publishing Co., 1969. (2)

Empey, Lamar T. and Maynard L. Erickson, *The Provo Experiment: Evaluating Community Control of Delinquency.* Lexington, Massachusetts: D. C. Heath and Company, 1972. (1)

Empey, Lamar T. and Steven G. Lubeck, *The Silverlake Experiment: Testing Delinquency Theory and Community Intervention.* Chicago: Aldine Publishing Co., 1971. (2)

Fox, Sanford J., *Modern Juvenile Justice: Cases and Materials.* St. Paul, Minnesota: West Publishing Co., 1971 (1)

Fox, Sanford J., *The Law of Juvenile Courts in a Nutshell*. St. Paul, Minnesota: West Publishing Co., 1971. (1)

Goldman, Nathan, *The Differential Selection of Juvenile Offenders for Court Appearance*. New York: National Council on Crime and Delinuency, 1963. (4)

Goldstein, Joseph, "Police Discretion Not to Invoke the Criminal Process: Low-Visibility Decisions in the Administration of Justice," *The Yale Law Journal*, Vol. 69, 1960 pp. 543-589. (1)

Jane Addams School of Social Work, *Police—Social Service Project*. Chicago: University of Illinois at Chicago Circle, 1973. (2)

Klein, Malcolm W., "Labelling, Deterrence, and Recidivism: A Study of Police Dispositions of Juvenile Offenders." Paper presented at the American Sociological Association Convention, New Orleans, 1972. (6)

LaFave, Wayne R., *Arrest: The Decision to Take a Suspect into Custody*. Boston: Little, Brown, 1965. (4)

Lemert, Edwin M., *Instead of Court: Diversion in Juvenile Justice*. Rockville, Maryland: National Institute of Mental Health, Center for the Study of Crime and Delinquency, 1971. (5)

McCrea, Tully L. and Don M. Gottfredson, *A Guide to Improved Handling of Misdemeanor Offenders*. Davis, California: National Council on Crime and Delinquency Research Center, 1973. (1)

Matthews, Arthur R., *Mental Disability and the Criminal Law: A Field Study*. Chicago: American Bar Foundation, 1970. (1)

Miller, Frank W., Robert O. Dawson, George E. Dix, and Raymond I. Parnas, *Criminal Justice Administration and Related Processes: Cases and Materials*. Mineola, New York: The Foundation Press, Inc., 1971. (1)

National Advisory Commission on Criminal Justice Standards and Goals, *Corrections*. Washington, D.C.: Law Enforcement Assistance Administration, 1973, pp. 80-97. (1)

National Advisory Commission on Criminal Justice Standards and Goals, *Police*. Washington, D.C.: Law Enforcement Assistance Administration, 1973, pp. 80-82. (1)

*New Approaches to Diversion and Treatment of Juvenile Offenders*. Washington, D.C.: Law Enforcement Assistance Administration, 1973. (3)

Niederhoffer, Arthur, *Behind the Shield: The Police in Urban Society*. Garden City, New York: Doubleday, 1967. (3)

Niederhoffer, Arthur and Abraham S. Blumberg, *The Ambivalent Force: Perspectives on the Police*. Waltham, Massachusetts: Ginn and Company, 1970. (1)

Nimmer, Raymond T., *Alternative Forms of Prosecution: An Overview of Diversion from the Criminal Justice Process*. Unpublished work. (2)

Nimmer, Raymond T., *Two Million Unnecessary Arrests: Removing a Social Service Concern from the Criminal Justice System*. Chicago: American Bar Foundation, 1971. (2)

Parnas, Raymond, "Police Discretion and Diversion of Incidents of Intra-Family Violence," *Law and Contemporary Problems*, Vol. 36, 1971, pp. 539-565. (2)

Piliavin, Irving and Scott Briar, "Police Encounters with Juveniles," *American Journal of Sociology*, Vol. 70, 1964-65, pp. 206-214. (2)

Reiss, Albert J., Jr., *The Police and the Public*. New Haven, Connecticut: Yale University Press, 1971. (3)

Rock, Ronald, Marcus A. Jacobson, and Richard M. Janopaul, *Hospitalization and Discharge of the Mentally Ill*. Chicago: The University of Chicago Press, 1968. (1)

Rubinstein, Jonathan, *City Police*. New York: Farrar, Strauss, and Giroux, 1973. (1)

Sarri, Rosemary C. and Paul Isenstadt, "Remarks Presented at the Hearings of the House of Representatives Select Committee on Crime," April 18, 1973. Ann Arbor, Michigan: The National Assessment of Juvenile Corrections. (1)

Skolnick, Jerome H., *Justice Without Trial: Law Enforcement in Democratic Society*. New York: John Wiley and Sons, Inc., 1966. (2)

Smith, Cyril S., M. F. Farrant, and H. J. Marchant, *Wincroft Youth Project: A Social Work Program in a Slum Area*. London: Barnes and Noble Co., 1972. (1)

Vorenberg, Elizabeth W. and James Vorenberg. "Early Diversion from the Criminal Justice System," in Lloyd E. Ohlin, Ed., *Prisoners in America*. Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1973, pp. 151-183. (1)

Whyte, William F., *Street Corner Society*. Chicago: University of Chicago Press, 1943. (1)

Wilson, James Q., *Varieties of Police Behavior: The Management of Law and Order in Eight Communities*. New York: Atheneum, 1970. (4)

The formal recognition and study of police diversion are just emerging. There do not appear to be any generally recognized authorities, and the literature that does exist is scantily referenced, in this field.

The primary purpose of the chain interview was to uncover work that had been done on police diversion. This purpose was amply fulfilled; a number of studies were made known to the project in this manner.

Citation Index

It seemed wise to ascertain to what degree the police diversion literature was cited in social science writings. This prompted referral to the *Social Sciences Citation Index*.[2] This is not a superlative gauge, however, because this system only began in January 1973. Table III provides the fruits of this search.

**TABLE III**
**Books, Articles, and Miscellaneous Material Referenced in Social Sciences Citation Index**

| | NUMBER OF CITES |
|---|---|
| **BOOKS** | |
| Cain, Maureen E. *Society and The Policeman's Role* | 1 |
| Cicourel, Aaron V. *The Social Organization of Juvenile Justice* | 5 |
| Empey, Lamar T., and Maynard L. Erickson *The Provo Experiment: Evaluating Community Control of Delinquency* | 1 |
| Goldman, Nathan *Differential Selection of Juvenile Offenders for Court Appearance* | 2 |
| Lemert, Edwin M. *Instead of Court: Diversion in Juvenile Justice* | 1 |
| Niederhoffer, Arthur and Abraham S. Blumberg *The Ambivalent Force: Perspectives on the Police* | 1 |
| **MISCELLANEOUS** | |
| Bittner, Egon *The Functions of the Police in Modern Society* | 1 |

[2]*Social Sciences Citation Index*.. Philadelphia: Institute for Scientific Information (January-April and May-August 1973).

ARTICLES

Bard, Morton
"Family Intervention Police Teams as a Community Mental Health Resource" ..... 2

Bard, Morton
"The Role of Law Enforcement in the Helping System" ..... 2

Berleman, William C. and others
"The Delinquency Prevention Experiment of the Seattle Atlantic Street Center: A Final Evaluation" ..... 2

Black, Donald J.
"Production of Crime Rates" ..... 2

Goldstein, Joseph
"Police Discretion Not to Invoke the Criminal Process: Low-Visibility Decisions in the Administration of Justice" ..... 2

Hohenstein, William F.
"Factors Influencing the Police Disposition of Juvenile Offenders" ..... 1

Jeffery, C. Ray
"Criminal Law, Punishment, and the Behavioral Control" ..... 2

Lipsitt, Paul D. and Maureen Steinbruner
"An Experiment in Police-Community Relations: A Small Group Approach" ..... 1

Logan, Charles H.
"General Deterrent Effects of Imprisonment" ..... 2

Marx, Gary T.
"Civil Disorder and the Agents of Social Control" ..... 1

Piliavin, Irving and Scott Briar
"Police Encounters With Juveniles" ..... 3

These results are readily summarized. Only 18 works in the subject area are cited in the two volumes of *Social Sciences Citation Index* now available. Of those, 3 are police diversion studies; 1 is a police diversion evaluation. The total number of citations to the 18 works is 27; the diversion studies are listed as cited 5 times. This suggests the permeation of the police literature by diversion studies, especially in the diversion evaluation area, is not great.

**Police Consultants**

In conjunction with the chain interviews, and citation index, there existed the need to gain perspective both on the police literature and on practice from police themselves. Reading the diversion studies without an understanding of the police task was not an attractive way to proceed. Thus, staff undertook contact with operating law enforcement people in the local area. They proved to be a fertile source, though their attention to the literature was not the focus of the ensuing interchange.

Administrative consultation—background

Early in the project staff became aware of a need for firsthand, objective input to the design of the interview schedule and to the general topic of the arrest situation. Various personnel made suggestions about how these subjects could receive experientially based, disinterested (from the project's standpoint) review and about the best vehicle for conveying the elicited opinions to relevant project staff.

The issue came to resolution by approaching two local police departments* with the request that they release two specified administrators for ½ day to sit in consultation with other police administrators and project staff. These policemen would be paid from project funds and would, in return, "brainstorm" with "ADAPT?" staff on four general topics: (1) the police interview schedules—strengths, weaknesses, and suggested modifications, (2) the arrest setting and its corollaries, (3) arrest alternatives, and (4) the place of arrest in police work and in the community.

The meeting that resulted was relatively unstructured; each of the four participating administrators was furnished only a "HALF-DAY CONSULTATIONS AGENDA" and a copy of the subject interview schedule to guide his input to the discussion. A project staff member opened the meeting with a welcome, introduction of participants, an overview of the agenda, and an invitation to speak freely.

Project staff felt this invitation was accepted and acted upon. Perhaps the most tangible way to note the level of cooperation received from these police administrators is to observe that they even provided the meeting place. The four hours went quickly and some persons lingered thereafter for other comments.

**HALF-DAY CONSULTATIONS AGENDA**

Police Officers/Police Administrators
"Arrest Decisions as Preludes to ?" Project

Topics to be discussed, with example questions:

1. **The police interviews**
   What are their strengths, weaknesses, suggested modifications?

2. **The arrest setting and its corollaries**
   In what physical settings do arrest decisions arise?
   What are the social/psychological factors that are important in the arrest setting?
   How do arrest decisions come about?
   What are the elements that lead to a decision to arrest?
   What factors lead to decisions not to arrest?

*One was a moderate sized city police department having 29 officers and the other was a university campus police department with 39 sworn personnel.

3. **Arrest alternatives programs**
   What alternatives to arrest exist?
   Are they effective; what are their assets/liabilities?
   What alternatives to arrest are needed?

4. **The place of arrest in police work**
   What functions does arrest have for the police?
   What function does arrest serve for the community?
   Are there differences in the police versus the community view of arrest?
   Are there negatives which accompany arrest?

Administrative consultation—content

One staff member took notes during the afternoon to assure that salient detail would not be lost in the welter of conversation. The remarks that follow are drawn from those notes and from staff memories. This content summary is designed to describe what was discussed rather than to quantitatively analyze the interchange.

Administrative consultation—interview schedule

The one critique of the questionnaire which came from this group (1 of the 4 administrators had been interviewed using the schedule, 3 had not) was that the term "arrest" might do well to be defined. There was discussion of the various meanings of the word and some honest disagreements surfaced. For example, 1 participant felt very strongly that issuance of a citation constitutes an arrest and he presented his stance cogently. Others voiced misgivings about this and stated their reservations.

Three elements were discussed as important to a decision about whether or not an arrest had been made. The first of these centered on determining whether an interference with a citizen's liberty had occurred in relation to a crime. The second called for determining if a physical taking into custody was involved. The third element concerned whether any deprivation of liberty (crime-related or not) was in evidence.

The topic, of course, is a basic one and resolution was not the aim. The 1 participant who had been an interviewee observed that he had no problem with the use of the term during the interview and the quandary was left to project staff to resolve.

Several schedule questions were addressed, altered, and evaluated. In each instance there appeared to be no flaw in the query; multiple suggestions for ways the interviewer might handle clarifying questions about item content were made.

Administrative consultation—arrest setting and corollaries

This discussion began with comments about how arrest decisions are made: "What are the standards or guides used in deciding to or not to

arrest?" was the first question here. Ready reference was made to "quota systems" and these were described. The scene of a sergeant asking why a patrolman was "low on felonies [felony arrests] this month" set the stage. From that came the question "why are you [the police officer] out there [patroling the streets]—to arrest people?" Suggested answers led into observations that some officers decide not to make arrests because courts assess penalties which they consider trivial. An officer may omit arresting if the sanctions will be too heavy, also, as in the case of an off-duty police officer who is driving 100 miles per hour on the freeway. In this case an arrest might lead to a loss of job. Thus, a call to the relevant chief may be a better path (though 1 participant strongly objected to calling a non-law enforcement employer in a law-violation related setting).

Conversation next turned to the physical setting of the arrest and how elements thereof might influence the officer. Things described as important here were: the amount of light, the weather (especially if it is raining or windy), the number of persons in the area (a crowd situation is different from a one-to-one encounter), noise level (from many cars passing at high speeds, wind, etc.), and the type of vehicle involved (if there is one).

The last item was pursued in some detail, the question of what a vehicle can tell an officer being an intriguing one. One participant noted that a particular make and model car in a given neighborhood often meant something; a shiny new car in a poor, minority section of town is an invitation to be "checked out." Distinctive features of many kinds were felt important. Smashed fenders, decals, unusual paint jobs, all may carry messages about arrest or investigation advisability.

Failure to adhere to local driving codes often signals that the driver is a stranger in town; e.g., in a small community with bicycle lanes on its streets, the motorist who drives in these lanes is quite obvious. The same was said of a car speeding in a town where "locals" know the speed limits are enforced.

Some expressed concern that the attitude of the potential arrestee was more involved in the arrest calculus than was desirable and many examples were given. This was tied to the observation that an officer may act very differently than usual if he feels fear in the situation.

The most frequent settings where arrest decisions come up were discussed within the framework of the alleged crime involved. Participants distinguished between "social problems" and "rip-offs." They agreed that there are crimes which lead to arrest very frequently and others which do so far less readily. The possession of small quantities of marijuana was cited as in the latter group and the special problems which attend child stealing and family disturbances surfaced as other pertinent cases in point.

Administrative consultation—arrest alternatives

These police administrators were of one voice in saying that there are many alternatives to arrest in the communities in their experience.

The most ready one was felt, by some, to be the issuance of a citation. Quickly following was the comment that the best alternative was avoidance of the arrest-possible situation through prevention.*

Another non-arrest avenue is use of field interrogation (though it may be mistaken for arrest by some citizens), which can decrease the number of situations resolved by use of custody and which can trigger use of any number of diversion programs. Alternately, if what is described as a diversion plan is believed by officers to be a "whitewash" it can encourage—rather than discourage—arrests.

There is some incentive for the officer to use diversion in cases where the usual criminal justice processes seem ineffective, consultants noted; they cited prostitution as a case in point.

There are problems with how information about alternatives filters through to each officer. The best sources for this information were described as community members and the staff of the alternative programs.

In the final analysis, it is up to each officer to make the arrest decision in a multiplicity of settings. Apparently it is common practice for this decision to be guided by department policy and policemen frequently seek assistance from fellow officers and department administrators in borderline cases.

Administrative consultation—arrest, police work, and the community

The discussion of this topic included analysis of the objectives of arrest. There was little disagreement that arrest may: (1) remove a threat from the community, (2) forestall the onset of greater problems than exist at the moment of the arrest, and (3) protect the officer.

The place of arrest vis-a-vis the community is a thorny issue, however. Initially, there is no single community; there is no unitary "citizen opinion." Thus, the officer takes into consideration what he considers the dominant feelings of his fellow citizens but he has no "community" to serve or against which to measure his actions.

Officers consultation—background

When the need for early objective input from outside the project (mentioned in the "Administrative Consultation" discussion) first came into view, one of the approaches to the problem called for a consultation session in which both police administrators and officers would participate. This was discussed and mulled over and the possibility that the presence of administrators might tend to squelch officer input became a recurrent theme. Thus, arrangements were made for two separate sessions, each with the same agenda and with homogeneous (rank-wise) participants.

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*An interesting aside arises here. Throughout this ½ day "the police academy" received considerable deprecatory attention; many remarks suggested that this or that had to be "unlearned" after the academy instruction was over (the most central of these misinformational facets seemed to be concensus that new officers come from the academy too ready to make arrests). On the prevention topic, though, participants felt the academy a fertile source of good ideas.

The officer consultation session included several "ADAPT?" staff members and 3 line police officers drawn from the same two local departments that had supplied the administrator-consultants two days before. Two of these 3 policemen (2 patrolmen and a detective) had had experience in other police departments than were their present employers. One was a "rookie" (with only a couple of years of experience) and the other 2 had ten-plus years each of police work behind them.

The same loosely structured format as was employed with the administrators obtained in this four-hour session. The officers were welcomed, introduced, oriented, and encouraged to discuss the agenda topics extensively.

Again, the time passed very quickly and there was reticence to cease discussion when the session terminated. Most descriptive of the level of cooperation from this group is the fact that there were questions and input from these consultants about "ADAPT?" 's program and methodology after the consultation ½ day ended.

Officer consultation—content

The same project staffer who took notes in the previous session performed that task in this meeting. This written discussion, like its predecessor, is descriptive rather than quantitative in thrust.

Officer consultation—interview schedule

Two of the 3 officers in this group had been interview participants. The question regarding the definition of the term "arrest" was put to all 3 and they felt there was not a problem here. They did point out that some questions in the schedule might be considered "loaded" [e.g., "Do you ever avoid taking assignments (radio calls, etc.) to keep from making arrests?"]; they did not, however, suggest that any be altered or deleted. They, too, were helpful with alternate modes of asking various questions to enhance clarity of interviewee understanding. The 2 who had been interviewed stated they actually had enjoyed the interchange, parenthetically. One of these observed that the interview encouraged him to contemplate important, but oft overlooked, subjects.

Officer consultation—arrest setting and corollaries

This topic received the most attention during the officer consultation. The question "How does an officer decide to arrest or use an alternative?" served as the focal point. Numerous salient considerations were put forward.

1. The first was that the officer is the man/woman who has the option in the arrest setting. He has both the power and the responsibility to arrest or not arrest, given that he has "p.c." (probable cause).
2. He will be guided by departmental policy. There are variations from officer to officer in the degree to which this factor looms large, said "ADAPT?" consultants, but it is hard to think of a situation where this concern is eclipsed.

3. The officer will use "common sense." In some way he will make his own judgment—and be responsible for it. He may seek advice from fellow officers but the decision is his. The elements of this "common sense" are difficult to distinguish but some of the factors an officer uses to arrive at a determination can be specified rather clearly.

4. One of these is the question of what an arrest will lead to. A central concern is whether the criminal justice system will act acceptably subsequent to the arrest. If, for example, the arrestee will be back on the street before the officer exits the station (i.e., if the officer feels the arrest will be useless), then the arrest will not be as likely to occur.

5. The crime involved will play a part. If the nature of the alleged crime is such that it is a "crime of morality," that is one thing; if it is a crime of violence, that is another. Reticence to enforce "some peoples' morality" (implying the standards are by no means community-wide) was voiced. The officer will look to the severity of the crime, as he sees it, as a source of guidance.

6. The officer's "gut reaction" also will be important in the arrest decision. This factor has to do with his attitude toward or response to the potential arrest setting. Elements which will influence him here may be: a. the time of day (things look different at 4:00 a.m. than at 4:00 p.m.), b. the amount of light (in the dark the officer may feel the need to be far more cautious), c. body movements of the arrestee (abrupt, unsolicited or halting motions are cues), d. nervousness of the potential arrestee ("If the guy is too nervous I ask myself 'why is he so nervous?' and then I try to find out why." There are two kinds of nervousness. "A well educated man may forget how to spell his own name and you can understand that, but when a guy is too nervous you wonder . . ."), d. attitude of the subject ("I try not to let that sway me but it does, especially if the guy is too lippy and it's really bad when he says 'you can't arrest me'; you [a potential arrestee] just don't want to say that" and "Yes, that shouldn't be the case, but it is").
   There are, on the side of the ledger, factors which may deter the officer from arresting.

7. If the reputation of the suspect is well-known, and subject to harm by the arrest, there may be a tendency to omit taking him into custody. (Of course, a reputation can work against a potential defendant, too.)

8. If this is believed to be the person's first offense the officer may be dissuaded from use of custody.

9. If the client belongs to a profession wherein he will be severely penalized (a law enforcement officer, for example) for an arrest, this may be decisive, though this case offers many problems for all

parties concerned and at least 1 participant said he would be prone to treat even a member of his own department in the same way as any other citizen ("in fact, I've done it"). Another participant expressed less self-assurance here. He observed that arresting a brother officer could lead to a situation where that arrestee was the arresting officer's "backup" on a case. "I might need him and he might not be as anxious to get there in a hurry if I had thrown him in jail the night before."

10. Also, if the subject appears suitably remorseful this can have an effect. Once again, offender attitude comes into play.

Officer consultation—arrest alternatives

These officers mentioned many alternatives to arrest and one policeman was a veritable gold mine of information concerning alternates. He named numerous facilities such as halfway houses, counseling centers, independent resources, community service groups, intra-departmental resources, and governmental agencies. He even noted that he has five physicians available to help clients with psychological/psychiatric problems, on referral. Each officer agreed that arrest is often only one of many potential avenues and one officer stated he had left his former department of employment specifically because arrest was used far too frequently there.

There was discussion of when searches for arrest alternatives can be carried too far. Here the notion that the officer must protect his uniform (status) from the disrespect that comes from "bending over backward to get out of making an arrest" was introduced. Though this was agreed to by all 3 participants, the point at which the officer has gone "too far" was problematic. There was consensus that alternatives which are not sufficiently protective of personal (public) safety are not useful and that continued use of a disposition (alternative or arrest) which has repeatedly failed is to be avoided.

That arrest is at best a temporary solution to the problem was generally accepted. It was also noted that disseminating knowledge about functional alternatives to all public personnel is "a real problem."

The use of arrest alternatives to the point of—in the view of police in other departments—the ridiculous was mentioned as a dilemma here. There were expressions of embarrassment on one hand and of pride on the other that one's department was viewed "generally" as one in which the law enforcement emphasis was tempered by a service orientation.

There was no dissent from the position that officers need alternates to arrest as options. There was disagreement, however, about when arrest is the only viable course of action.

Officer consultation—arrest, police work, and the community

A major part of the officers' comments in this subject area centered on the problem framed as the "we—they" dichotomy. All nodded assent

to the existence of a covert brotherhood of police, acknowledging that law enforcement functionaries "protect their own." There was much discomfort expressed with instances where this has led to a view of non-law enforcement citizens as (impersonally) "they." These consultants felt that a view of the citizenry as somehow different from—and thus in conflict with—the police fosters numerous unhappy consequences.

The depth to which this danger was felt was considerable; there were repeated statements that even speaking of the general populace as "they" is "bad." The modes available to maintain active contact with "the people" were enumerated (including beat patrol, citizen and officer education programs, public relations units, and informal "rap-sessions" —particularly with youthful community members) but no one seemed entirely confident of the effectiveness of any (or any combination) of these. The main thrust for the officers was the necessity of keeping in touch with citizens because the latter are needed for support of various kinds, particularly in the realm of information helpful in crime detection and solution.

Project officer consultants explicitly stated their need of the citizenry in making use of non-arrest alternatives, also. The prototype instance for discussion was a recent local event wherein the police were praised (and excoriated, simultaneously) nationally for handling a mass demonstration with a minimal amount of arrest activity and without violence. The officers felt assured that such a course of action would be exceedingly difficult, if not impossible, in a climate of citizen demand for quick and harsh police reaction to any disturbance of the usual order of things.

It was fascinating to discuss how this client (citizen) orientation must extend to the potential arrestees as well as to persons not directly involved. The incident serving as the discussion vehicle was reconstructed in various ways to facilitate exploration of this factor. Discussants pointed out that had the demonstrators acted differently in any of a number of ways (refused to occupy a tenable geographic area, become physically aggressive, verbally abused each other, the police or the crowd to excess, refused to comply with a minimal set of police instructions, displayed any of several proscribed accouterments like firearms or explosives, insisted on being an eyesore for too long a time or engaged in other illegal behavior simultaneously) the law enforcement options forestalling arrest would have been reduced greatly.

Again, problems with potential arrestees' attitudes received attention. Once more the feeling that attitude "shouldn't" be a factor was expressed—apparently very sincerely—with the conclusion: "but it sure is."

Combined consultation—introduction

One purpose of this particular use of consultation resources was, obviously, to congregate relevant practitioners in a setting calculated to encourage their sharing of experience, information, and opinion-reflec-

tion (with perhaps a dash of prognostication) with project staff. Another goal was to receive any technical input regarding the construction of the police interview questionnaires that might be forthcoming; to this was coupled the desire for post-interview evaluations from participants in a setting where non-participants in the interviews could interject their questions and observations on clarity and interpretation. A third major end was the broaching of police policy concerns via discussion of the subject of what police and community interests are and how they interface, conflict, and otherwise co-exist.

The thrust was three-fold. In the first consultation session police administrators were used; in the second police officers (non-administrators) were employed. The contents of these two sessions have been discussed in preceding sections. The third technique, now to be broached, was a comparison of the outputs of the two sessions. It is felt that there is gain to be had from noting both similarities and differences in the contents of the two sessions.

Combined consultation—interview schedule

The police administrators focused mainly on the interpretation of the questionnaire items. They concerned themselves with what problems a respondent would encounter in understanding the interview questions. They centered on the issue of the meaning of the word "arrest."[3] Their discussion was one dealing extensively with legal definitions.

In contrast to this, the officers were not of the opinion that the meanings of terms offered an obstacle to respondent understanding. They were interested, instead, in the emotive loadings of particular questions. Though not deemed offensive, some questions were considered potential tinderboxes and the officers helped staff explore accurate and expressive ways to communicate to respondents the need to know in several areas. An example of this is interview question A. 10 (Volume III, Chapter A). When an interviewee is asked "Do you ever avoid taking assignments (radio calls, etc.) to keep from making arrests?" he may feel affronted. It may be desirable to observe for a respondent who feels thusly that the police literature asserts that officers do make such defensive moves and that the project seeks to check the accuracy of those assertions.

In several instances alternate phrasings were suggested, should a varied approach be needed (where an interviewee does not understand a question, for example). These consultants were very patient in lending their "gut reactions" as a gauge to likely responses from their peers.

Combined consultation—arrest setting and corollaries

The most striking difference in the two sessions relative to this topic was that the officers spent far more time on it and worked out con-

[3]An illustrative discussion along similar lines is found in: Sundeen, A., Jr., *A Study of Factors Related to Police Diversion of Juveniles: Departmental Policy and Structure, Attachment, and Professionalization of Police*. Ann Arbor: University Microfilms, 1972 (unpublished dissertation), p. 41.

siderably more detail than did the administrators, as one might have expected. The administrative participants tended to discuss policies that impact arrest decisions (quota systems, feedback on percent of felony versus misdemeanor arrests, court responses to arrests, etc.). They did talk about the important physical elements in the arrest setting to some degree, remarked upon the problem of client (and officer) attitude as an unwanted element in the arrest decision, and contrasted "social problems" with "rip-offs," the former being seen as circumstances demanding more and different attention than the police can be expected to provide.

The extensive exploration of the factors affecting the arrest decision which officer consultants engaged in seems reflective of "where it's at" from their perspectives. There are portions of their input which are policy-related (like the administrators' concerns just mentioned), such as the influence of department policy and the workings of the criminal justice system as a whole, but most of their discussions centered on everyday tasks. They spoke of their feelings, the requirements of the law, and their view of the "politics" of the situation.

Central here is the notation that police administrators must get along with the more influential citizenry—the mayor, city councilmen, merchants; the officer needs to be on good terms with "street people." He depends on them for information and, sometimes, for protection. Though the officer may feel the need to defer a citation to a city councilman so the impending police budget will not be absent the new officer positions requested, his concerns are not nearly so often centered on the council as his chief's may be. So he pays attention to how to function in the community on a different basis than the administrator may.

This contrast is sharpened by looking at the two perspectives another way. One can ask how the citizenry assist the police and answer that the officer needs people as information sources—a specific, person-to-person kind of need—whereas the chief needs (groups of) people to support—or at least not oppose—his programs. This second need, clearly, is of a different order. It is far less personal.

This difference also surfaces in the ways officers feel the need of other officers.[4] Among the administrators, the question of what is appropriate behavior in handling the illegal acts of other law enforcement personnel received different treatment and resolution than among the officer consultants. The administrators tended to concern themselves with comity among departments and to leave disposition of the matter to the responsible party in the department employing the offender. The officers, on the other hand, expressed grave concern with the working interdependency they feel upon their peers and tended to prefer either to handle the offender "just like anybody else" or to work

[4]National Advisory Commission on Criminal Justice Standards and Goals, *Police*. Washington: United States Government Printing Office, 1973, p. xii.

out a resolution with the fellow officer on a man-to-man (absent input from any third parties) basis. Among the administrators the "reflection on the department" was an oft-spoken concern; to the officers the reflection upon the officer personally when another law official encounters legal problems was quickest to be expressed.

Both sets of consultants talked about the role offender attitude plays in the arrest decision, as previously stated. However, the officers tended to express discomfort, and perhaps embarrassment, over that "interference" with the arrest-no arrest choice. The administrators, for whatever reasons, spoke of the facts hereon with more resignation. "It shouldn't but it does" seemed to be their view of whether or not offender attitude spurs arrest decision.[5]

One could pass this off as the result of far more experience in the administrative group than among the officer consultants. This is too easy a solution, though, especially when one remembers that the 3 officer consultants had aggregate police experience exceeding twenty-five years —certainly a sufficient length of time within which to become resigned to a "fact of life." Perhaps a better theory is that the administrators have moved beyond the point where this issue is a daily problem, whereas the officers still face the dilemma regularly. Another tempting "explanation" is that the administrators feel it unlikely that they can change others' views of this topic whereas the officers are still willing to work on their own actions in this sphere. A fourth alternate is that this problem somehow does not fit into the current problem set of administrators (and so gets cast aside because it is, in some sense, a source of dissonance) while it is typical of the types of problems officers deal with repeatedly.

Combined consultation—arrest alternatives

The tone among project administrative consultants on this topic was "the more alternatives the better;" there were reservations on this among the officers. The officers, of course, were far more specific about what alternatives existed and what they were appropriate for. Both groups had doubts about the effectiveness of arrest and ensuing criminal justice process; the administrators seemed more ready to make judg-

[5] *Ibid*, p. 21 states:

> Every police chief executive should establish policy that guides the exercise of discretion by police personnel in using arrest alternatives. This policy: . . . e. specifically should exclude offender lack of cooperation, or disrespect toward police personnel, as a factor in arrest determination unless such conduct constitutes a separate crime.

One wonders if project administrator consultants' experiences have placed the Advisory Council's, "should" in an interesting perspective. This question becomes more pressing when the commission itself reflects ambivalence in succeeding text:

> Policy should preclude a suspect's lack of cooperation or antagonistic attitude—short of the commission of a crime—from being a factor in arrest determination. If the conduct itself is sufficiently serious to constitute a crime, an arrest should be made. With juvenile offenders, attitude may properly be weighed in deciding whether to divert youth from the juvenile justice system.

ments about what alternates to the criminal justice process held greatest promise.

The officers appeared to feel less comfortable with the range of alternatives they had available than were their supervisors. The former were much quicker to cite cases for which no good alternates to arrest exist. They, too, felt malaise with existing mechanisms for their receipt of information about new or changed arrest alternatives. Where the administrators seemed reasonably satisfied with simply noting that facts about alternate courses reach officers "just like all the other information they get," the officers explored these communications channels in some depth, cast about for new and/or improved sources of information, and expressed substantial misgivings about whether they had as good a grasp of existing options as they wanted.

When one officer mentioned a specific local referral option another might seize the chance to find out about it or remark "Huh, I didn't know that." This phenomenon did not occur in the administrator session. The officers talked at some length about their problems with knowing how effective an alternative is; the administrators mentioned it in passing.

Combined consultation—arrest, police work, and the community

The paramount difference between the two consultative sessions in this subject area regards the officers' discussion of the dilemma of maintaining liaison with the community. The administrators did not mention this as a problem; they acknowledged the difficulties a chief may have in staying sufficiently in tune with the community to keep his job but this is a very different type of quandary than the officers discussed. Administrators were quick to state that there is no unitary "community;" there are a series of subsets within the city—each subset possessing its own orientation, desires, and action potentials.

The officers described "the community" as a functional part of their working tools: the source of information and support. Their feeling seemed to be that their needs in this vein were continuous; administrative input tended to convey the notion of a through-time need for community support but to stress its spasmodic nature (e.g., when a new program is to be implemented or when a threat to existing operations arises).

**Discussion**

Inherent in this type of presentation is the danger that the discussion will be over generalized. The purpose in exhibiting the summaries of the two consultative sessions is to share their considerable content and to spotlight differences in the details of each. One cannot talk about what "police officers" or "police administrators"—as a group—think is important from this presentation. The reader is limited to what *these* participants voiced and, even there, is not at liberty to assume that, in two session of four hours each, anything approaching the total view of even these contributors emerged.

One theme which has predominated through the last few pages is that topics were handled differently by these two groups of consultants and several of these divergences can be tied together under an "administrative set" heading. It is not surprising that persons who are charged with running (administering) a police department see topics from that vantage point whereas line officers might not. It is important to detail these differences, though, and to ponder how they bode ill or well for police-community relations and for interactions within police departments, as well as for the prevalence of crime.

If a department administrator undertakes to delimit the factors a policeman will consider in deciding to arrest or not, he may find himself in difficulty in several areas: (1) it is likely there will be disagreement by some with at least part of anything he says that is content laden, (2) he is in danger of lacking sufficient current detail to formulate an encompassing pronouncement, (3) he will be faced with a task of some breadth, (4) he will need a device for updating his memorandum, which runs the risk of being out of date when issued, (5) no doubt some will be offended by the "unfairness" of his proposals and a defense will then be needed, and (6) his lack of evaluative data will lead him to assumptions or omissions which line personnel will find crippling. To these must be appended the dilemma he will face in getting his notions across to his staff. This set of concerns is formalized in the differences seen in the discussion above of the needs officers have[6] of community members versus the needs administrators voice of these persons.

The fact that divergent segments of the citizenry are most pertinent to the concerns of different police functionaries seems clearly stated herein. This also may be observed about different persons within police departments; the line officer appears acutely aware of his need for, and dependence upon, his fellows.

The literature has long since established that attitudes of offenders are important variables in the arrest setting.[7] The description above is important because it both depicts the concern of police officers and administrators for the intrusion of this factor (an element which the literature does not handle so well) and describes the differences in the sets expressed by these two groups of consultants. The officers, particularly, tell of desire, and efforts, to avoid the untoward effects of this influence.

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[6]It may strike the reader as unusual that this writing persists in emphasizing the ways police need the community; usually, relevant literature discusses the needs of the townspeople for their servants, the police. Surely the interrelationship between policemen and other citizens is symbiotic. The reason for apparently neglecting one side of the picture herein is that the points made in this discussion seem clearer when thrown against a backdrop emphasizing how the community assists its law enforcement personnel.

[7]As an example see: Piliavin, I. and S. Briar, "Police Encounters with Juveniles," *American Journal of Sociology* 70:206-214 (September 1964).

**Use of the Literature**

The preceding pages document a rather encompassing set of efforts to access the relevant police literature and to surround it with a useful frame of reference. Intended here was the assumption of positions by project staff which would facilitate both an academic and a practical grasp of the police diversion evaluation literature. The next chapter focuses on those writings, giving a perspective primarily nested in systematic analysis. The succeeding chapter (Chapter D) will reference the police diversion literature that is not so readily systematized.

# CHAPTER C

# POLICE DIVERSION STUDY FINDINGS

## Introduction

The "ADAPT?" project had two foci. On the one hand was the body of police diversion literature, referenced in the appended bibliography and drawn on heavily throughout most of these pages. On the other was the general police practice literature, consuming a smaller portion of this study's resources, backed up and augmented by a series of interviews performed by project staff.

This chapter discusses the interviews and their results first. It then turns to the main body of literature on diversion by police and conclusions therefrom.

## Police Interviews

Project staff felt a study of police diversion and its reported effects would be incomplete without a reference point. The usual approach in such studies is to delve into the professional literature and, from that, to sketch background for the work, with research findings serving as the center of attention.

Some years at this kind of enterprise suggested that another approach could prove more useful. The alternate route chosen was interviews with law enforcement officers across the United States, the interviews being sufficiently structured to assure a check of several of the assertions from the police literature which were deemed worthy of audit.

The interviews served another purpose, as well. They constituted a vehicle whereby data and opinions focusing on diversion could be gathered. This was necessary because literature on the acceptability, utility, and pervasiveness of police diversion is minimal.[1]

### Interview Approach

The authors did not contemplate an exhaustive examination of police opinion on the topics broached in the interview schedule. Rather, general notions and suggestions about areas needing further exploration were envisioned. It was decided that interviews with about 200 law enforcement functionaries in 8 or 10 departments dispersed across the United States would serve this purpose.

Project staff then took a map and tentatively located departments where interviews were thought possible, giving attention to such considerations as geographical location, size of department, population served, and neighborhood mix (it was thought wise to have departments representing urban, suburban, and rural problems). The other decision

[1]A reader scanning the project bibliography may be tempted to chuckle at this assertion. Nevertheless, very little in that welter of references is pointed toward these issues.

criterion had to do with type of department, in that the university police and sheriff's office segments of law enforcement were not forgotten.

Contacts were then initiated with each jurisdiction selected, asking that from 10 to 30 officers (depending on the size of the department) be made available on a voluntary basis to project interviewers for about 45 minutes (on the average) of interchange. Participants were assured that no data would be attached either to individual officers or their departments outside the research project's confines. The purpose of the interviews was detailed simply as to check the accuracy of the police literature and to gather opinions of the officers about various arrest-related concerns.

These requests for participation were received with a great spirit of cooperativeness; only two police departments refused to be a part of the study. Each of these pleaded "too much attention" as its rationale for declining; both said they thought the project interesting and worthwhile but felt they had "too many things" taking officer time which were not strictly within the province of official duty; cooperation in this work would add another.

Project staff then arranged to travel to the various departments to complete the interviews. Major among the preparatory steps were building of a random response generator and a test (pilot) of the interview instrument.

The law enforcement officer interviews were piloted in two ways. First, 21 policemen in a local department were interviewed as a physical test of the interview schedule and the effects of the presence of the random response generator. Ten persons were interviewed using the generator (11 were approached, 1 said he would rather not use the machine because he did not need to have his identity shielded); 11 were interviewed without the generator. The pilot indicated some difficulties could be expected if respondents were assigned the task of operating the generator. Since apparently most of these problems disappear if the interviewer retains physical control of the device, this latter approach was adopted.

The second portion of the pilot consisted of soliciting the comments of 7 police officers and administrators (3 of whom had been interviewed prior to consultation) on the interview schedule, and setting, and on the topic of arrest. Only one substantial critique emerged from this—that the word "arrest" might need to be defined—so this input was evaluated by staff, the fact that all 3 of the consultants who had been interviewed agreed that the definition had not been a problem was taken into consideration, and the interviews were performed with the schedule absent that definition. Instead, the interviewers were provided with definition responses should the need for clarification arise.

The final part of the pilot was an empirical check of the random response generator to assure it was functioning properly. As might be expected, it was not. It was then altered, and checked periodically

thereafter to assure its dependability through the rest of the interviews. The preliminary interviews are included in the aggregate data analyses which follow as essentially no modifications in the interview schedule were made after the pilot.

Senior project staff initiated the pilot, performing the first 21 of the interviews in the series. After the test phase was complete, including assessment of its results, the project interviewers were oriented as to the procedures for choosing whom to interview at each police department.

Once the interviewer reached the interview site she[2] was to employ the selection procedures found in Volume III. *Technical Appendix* ("'ADAPT' Interviewee Selection Procedure"), as a guide. The purpose was not to adhere to these specifications to the letter (and to the detriment of cooperation) but to cross-section the departments in a fashion not subject to undesired patterns. Generally, interviewers were to take a list of all sworn personnel in a department who were available for duty during their approximate week at each site and apply a formula for random selection of persons to be approached. All participants were to be part of the study voluntarily so any declination would simply eventuate in selection of another name. There were almost no refusals.

It became apparent very early that in some departments the selection procedures would be resisted, sometimes, it seemed, for no special reasons. Interviewers had been alerted to this eventuality and asked to work out whatever accommodations in their judgment were necessary to accomplish project objectives.

A bifurcated interview technique was employed to assess the reflectiveness of the literature of beliefs of police officers about the effects of their arrest decisions. A roughly random sample[3] of officers was drawn from the selected police departments. Each of these persons was interviewed using a structured series of questions about the procedures used by himself and fellow police to avoid arrest as an alternative problem solution. Additionally, each officer was asked to detail the effects of arrest—both positive and negative—and to explicate the effects of the alternate procedures he described. This provided a check on the comprehensiveness of the literature, gave an idea of what police officers know of the alternates to arrest available to them, and indicated what information they possessed about the effects of their use of these myriad alternatives.

A second sample of officers was drawn, as described above; these officers were interviewed slightly differently. They were asked the same questions as the first group but their answers were recorded in a fashion

[2]These personnel, asside from those used during the pilot, were female and they performed all but 11 of the study interviews. This selection was exercised, consciously, the rationale being that staff were there to learn and the person least likely to be perceived as a competitor or other threat would be most nearly ideal.

[3]In the world of "science" samples are either "random" or they are not. The term "roughly random" means that biased sampling was avoided to the greatest extent deemed feasible. Sampling procedures were not followed slavishly, however.

which guarantees that not even the interviewer knows what answer they have given to queries.

This second set of responses served the purposes set for the first group of police interviews and facilitated a check on the issue of whether or not answers to what may be seen as "sensitive" questions change when respondent identity is shielded.

The second set of interviews can be used only in certain ways, because of the nature of their administration. These responses have been checked against their companions and, in the main, found not to be statistically significantly different. However, the frequency counts on which interview analyses rest are based only on the answers to the first form of responding.

Two other features of the "screened" mode are important. It tends to cut ancillary responses and to elicit officer resistance.

Interview Results

One of the main goals of the "ADAPT?" undertaking was a grasp of the alternatives which police have at their disposal in the arrest situation. Finding a general openness to the concept of using arrest alternatives was not surprising; equally clear was a differential perception among officers of what alternatives exist and of what constitutes a situation in which consideration of an arrest option is appropriate. This latter point had arisen early in the project when police officer-consultants had freely engaged in debate and sharing of facts on these topics.

There was little familiarity with arrest alternatives on the part of many officers, whereas, occasionally, an officer was encountered who was irrepressible in his enumeration of the options available to him. Respondents tended to see themselves as slightly more apt to use alternative procedures than are their fellows. The majority were expressive of willingness to use alternatives to arrest which were made known to them, though many added the qualifier that they would require that they have confidence in those alternatives.

Arrest Alternatives

A wealth of available arrest options was described by "ADAPT?" law enforcement interviewees. These are enumerated as members of four classes below. The clarification scheme is intended to serve as a facilitator of understanding; to the degree that it does not, it may be ignored.

The usual listing of arrest alternatives found in the literature looks something like the following, though this one represents unusual quality:

Alternatives available to police departments:

1. Counsel and release
2. Counseling
3. Intensive Care

4. Referral of case within the department
   a. School Resource Officer
   b. Youth Development Services
5. Referral to Community based Agency
   a. Angeles Clinic
   b. Foothill Family Services
   c. One-Plus-One (supply a second parent to child in broken home)
   d. Department of Public Social Services
   e. Hospitals, private professional services
   f. School
   g. Employment services
   h. Planned Parenthood
   i. Another police department
   j. Probation
   k. Juvenile courts

Project queries were aimed at facilitating assessment of both the accuracy and extensiveness of this type of list.

The family

Perhaps the most oft-mentioned of arrest alternates, especially as they apply to juveniles, was referral to other family members. Parents and guardians received most frequent reference, wives were mentioned occasionally and even children of offenders were cited rarely. Such referrals may be accomplished either by having the family contact the police department or by direct delivery of the offending party to his home. An interesting example of the latter, having to do with adults, is a program called "TIPSY," under which persons who have imbibed excessively during a defined period surrounding Christmas may call the police department and receive complimentary transportation home in a cruiser, no questions asked.

Public agencies

A vast array of possibilities surfaced under this heading; they include referrals to:

juvenile probation
adult probation
juvenile court center
department of mental hygiene
hospital crisis unit
family crisis unit
fellow officers with special skills/ interests (on and off duty)
university dean's office
child protection services/ children's shelter
international house (dealing with problems of aliens)
legal advocacy service/legal aid
short-term hospital observation
public welfare agency
rape counseling
warrant detail
family counseling center
detoxification units (alcohol and/or drug)
voluntary psychiatric help

university counseling center
suicide prevention unit
foster home
group home
community relations commission
acid rescue (drug specialty counseling)
truancy centers
court booking
prosecuting attorney proceeding
driver training program
school counselor
continuation/other school program
parole agency (if subject on supervision)

Police also use several means which include or primarily tax the individual officer's efforts. These shade into the procedures which will be discussed hereafter but are typified by: issuance of a citation (traffic, misdemeanor or felony); detention for a brief span without official arrest; compacts between officers and citizens requiring restitution, cessation of activities, etc.; provision of a night's lodging, as in a local hotel; "advise warrant" or "summons and release" issuance; delivery of offender to location where conflict can be settled (as where innkeeper defrauder is returned to pay his bill); reprimand and release; and issuance of warnings (official and unofficial).

Private agencies/persons

The entries below represent many of the sources which accept police referrals (both "voluntary" and otherwise):

Traveler's Aid
private practitioners (physicians, psychologists)
7th Step Foundation
Friends Outside
peer group counseling
Big Brothers
personal friends
Alcoholics Anonymous
Salvation Army
"halfway" house[4]
clergymen/church groups
chaplains (for service men)
attorneys
women's centers
transients' missions

Miscellaneous

Special resources become available in communities periodically; unfortunately, often their emergence and disappearance are virtually inseparable in time. Frequently the aegis for their existence is a special demonstration or research enterprise and these resources are exceedingly difficult for police to use, both because the officer must be constantly alert to their appearance and ready to have his best liaison efforts end in a lapse of funding or project staff absconsion with the

[4]These exist in great variety. Some specialize in one or more of these problems: mental, physical, criminal, drug, and alcohol, often without clear demarcations. Others prefer to work only with youths, or with youths with special needs, as in truancy or runaway cases. Some will take almost any person who seems to want to enter their doors, whether on a paying or gratis basis.

limited treasury and because discovery of efficient access thereto is problematic. Many halfway houses (perhaps more than not, on reflection) occupy this category. Other representatives are the "street worker" attempts made in various locales and the scattered thrusts at dealing with minority legal problems that come and go.

Some of these efforts have more permanence. The Oregon Research Institute, specializing in attempting to help "stealers" cease these activities, is an example. The programs now emerging in many law schools, encouraging civil approaches to problems which are both civil and criminal, provide an option to officers. There are limited efforts within police departments in this area, as well, as in the Landlord-tenant Unit of the Oakland Police Department and the family crisis units now being replicated in six United States cities under Law Enforcement Assistance Administration funding.

Alternative Procedures

A question that relates closely to what arrest alternatives are available to officers touches the area of the procedures used by these persons to avoid making any but necessary arrests. Envisioned here were techniques used to assure that all reasonable alternatives are explored before arrests are made. It is instructive to note that most officers responded that there are no such procedures in use in their departments. This confirms the assertion of many writers that police departments peculiarly tend to assign choices of great import to the lowest level professionals available, and without providing them tools to assist in making wise decisions consistently.[5]

Against this backdrop, it is encouraging that officers know of and use many arrest-avoidance procedures. A potentially useful way to catalogue these is in terms of whether a given procedure is one sanctioned by the department's administration or is an unofficial exercise. There are shadings and overlaps, of course; that need not detract from the general utility of the classification scheme.

Official procedures

Several departments encourage officers to use officially atypical approaches to the familiar family disturbance situation. These may take the form of convincing the disputants of the futility of their accustomed problem-solving (-creating) avenues, pressuring the male spouse to leave the household for the balance of the night or importuning neighbors to allow one of the antagonists to "sleep it off" next door. These methods have doubtful status in law, and they often are seen as working quite well.

There are departments which encourage use of peer pressure to discourage offending. An example of this exists in the Winters (California) Police Department, wherein a "juvenile court" (literally a group of the client's peers) handles matters referred to it by the department. This is

[5]See Cole, G. F., *Politics and the Administration of Justice*. Beverly Hills: Sage Publications, 1973, p. 84, for example.

merely one form of a procedure described generally as "turning them over to their friends." It bears mention because it is an isolated example of the mechanism functioning on a formal basis.

In many departments (and in some cases on a statewide basis) there are official procedures for issuance of citations; this can be viewed as an approach which creates an arrest alternative. Not unlike it are several review mechanisms within departments which are designed to bring some inter-officer consistency into existence, particularly on debatable cases. These function through supervising or peer officer reviews prior to or just after arrests are made. There also exist formal processes whereby warnings are issued and situations in which hearings are held within the department before other criminal justice personnel become involved in a case.

Some departments have fairly clear practices (though most of them are proscriptive rather than prescriptive) regarding concessions made in the arrest setting for return "favors." It is fashionable to think of prosecution immunity as a device open only to the district attorney. Patently, though, police can exercise such an option. Thus, some departments have staff "understandings" about when it is permissible for a suspect to be released in return for his acting as an informant and when immunity is to be suggested by an officer in exchange for information and/or testimony.

The option of non-arrest accompanied by filing of a suspicious circumstances report sometimes is circumscribed by departmental policy. There are police administrators who define classes of offending which their staffs are to ignore. Procedures sometimes exist which prescribe how a given set of cases is to be processed prior to use of the arrest option. A simple exemplar here is the requirement that persons who have certain varieties of warrants lodged for their arrest be notifed in person or by mail before being taken into custody and some departments encourage warrant officers to open opportunities for potential arrestees to make fine payments before jail becomes more than a threat.

Some departments encourage confiscation (as of minute amounts of marijuana), at times after adverse court decisions; some attempt to require that warning-and-release procedures preface more active intervention. Many make time available to officers specifically for "street counseling"—which can take many forms, like a trip with the officer to a local restaurant for coffee and pie or an extended ride in a cruiser and a search for some alternate to custody.

Some states, e.g., California, have penal code provisions that allow a "release, deemed not arrested"[6] disposition. There are police departments that seek compliance to law through administrative procedures, which may include sending a letter requiring an appearance at a specified time and place or cessation of delineated behaviors.

[6]*California Penal Code 849.*

Occasional departments instruct officers to solicit intervention from other agencies rather than set the criminal justice system in motion. This may take the form of petitioning the public welfare department to enter the picture ("Even though they won't do it," as one officer put it). Others build in delay mechanisms such as requiring that F.I.R. (Field Investigation Report) or equivalent documents be on file in a given quantity before an arrest is to be made for specified activities. Similar procedures regulate surmounting of explicit investigative hurdles before an arrest will occur; another avenue is for officers to document attempts at victim satisfaction (i.e., through restitution plans) before they impose custody. The age of technology enables administrators to mandate that up-to-the-minute "rap sheet" checks be made from patrol cars rather than after transportation to the station.

The best known official procedure for avoiding arrest is encapsulated in a big word in current police work—"prevention." On the other side, there is the view "We don't avoid making arrests."

Police function in large part as referral agents; one can look at almost every arrest as simply a portion of the proceeding whereby police channel the subject to the successive criminal justice agency (usually the prosecutor). Sometimes police agencies use this as a method of decreasing arrests in that they refer the matter to the district attorney for his further investigation and follow-up. A similar end is gained via departmental instructions not to arrest, or to release immediately, all persons whose identity and future location is believed established. This may or may not accompany issuance of a warrant; sometimes, as well, the warrant is issued in lieu of arrest and the document remains inactive provided the subject complies with certain requirements, such as keeping the appointment made for him to arrange a solution to the dilemma.

In many jurisdictions there is a strong thrust toward working with juveniles without imposition of custody. Often this procedure contains constraints to assure that the parents will cooperate. A less frequent approach calls for a quiet contact with persons from whom agents have made drug buys, advising these clients they can attend certain instructional classes or be arrested.

An occasional department has its own counseling staff. This is a significant augmentation of a more prevalent approach which merely requires a call to the next of kin.

Unofficial procedures

It is difficult to read "ADAPT?" interview schedules and not be impressed with the wisdom[7] many police officers bring to the incredibly complex welter of problems they can reasonably anticipate in each eight-hour shift. The level at which these men and women are ex-

[7]Webster defines "wisdom," in part, as "good sense; judgment."

pected to function far exceeds what rational men have any right to ask.[8]

Perhaps no part of the police task requires greater judgment than the arrest decision. Thus, officers report numerous more personalized approaches to minimizing what they consider to be unnecessary arrests.

1. "Use a rational discussion of the problem; discuss the alternatives"
2. "Resolve the situation by mutual agreement"
3. "Talk the complainant out of filing charges"
4. "Handle it yourself" or "Use common sense"
5. "Kiss it off" or "Delay"
6. Word incident reports "properly"
7. "Get the situation calmed down"
8. Secure an apology from the assailant where more vanity than illegality is involved
9. "Give the individual the benefit of the doubt"
10. "Check out his [the incipient arrestee's] story"
11. "Take his car keys and have him walk home," used specifically in reference to drunk drivers
12. "Get floaters out of town" or "Tell people to stay off the street"
13. Suggest an alternative to illegal behavior (or tell clients to "Do something besides fighting")
14. "Threaten jail if I have to come back"
15. "Call a cab"; "call an ambulance."

These last items imply a great deal of individuality of response. One officer noted, for example, that on occasion "I just don't want to arrest," so he tailors his approach to the individual circumstances.

Those readers prone to become indignant about the exercise of choice by public officials will find ample "cause" to ignite in the text just presented. An honest look behind the social facade makes it hard to fail to observe that even utopian conditions require someone to have discretion. If police made every possible arrest, the criminal justice system would collapse. One can as readily see officer recognition of the need to exercise judgment as a strength as he can perceive it as a weakness. The usually high probation department release rates of referred juveniles (often 50% or more) suggest police discretion is used with great restraint. The results of that exercise of choice about arrest are, of course, the central theme of this volume.

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[8]An example of the high standards expected of police officers is found in recent remarks of Acting Superintendent James Rochford, Chicago Police Department, quoted in "Rochford on Police Conduct," *the hot line* VI:3 (January 1974):

> I am unalterably committed to the conviction that the very essence of professional police service lies in the ability of the individual police officer to arrive at a near-immediate decision regarding the proper legal action he must take to resolve each situation he faces during every tour of duty.

Procedures comparisons

A principal concern of this analysis is how officers see arrest and its alternates, from the perspective of relative effectiveness. As stated before, some officers view themselves as having almost no choice but to arrest; others consider their circumstances as offering great latitude.[9] It seemed instructive not only to look at the elections seen as available but to explore what these choices are believed to imply.

"ADAPT?" interviewers sought the opinions of police officers on both the positive and negative effects of decisions not to arrest. They also asked about the assets and liabilities of making arrests.

Positive effects—non-arrest decisions

Most project respondents expressed the feeling that there are general benefits possible to family, job/school, and self-esteem in the circumstance where a non-arrest alternative is exercised. The family gains cited included: (1) less embarrassment to relatives (and self and friends), (2) a decreased degree of inconvenience (e.g., from having to raise bail, make transportation arrangements, make appearances, and secure baby-sitters), and diminished separation of children (as from shoplifting mother).

Job/school costs were seen primarily in the disruptions of earnings or in the learning sphere. Certain pressures from peers and teachers that sometimes accompany an arrest were depicted as worth avoiding—where feasible.

The self-esteem area was addressed diversely. One officer noted that a person may not feel "branded" if an alternate is used and, thus, "be more responsive to help." The "saving of self-respect" concept surfaced repeatedly; there are gains from a citizen believing that the officer "cares about him", and a way to show "caring" is for the officer to engage in a search for avenues other than the impersonal act of arrest. This factor comes into play in such cases as where a mentally disturbed individual gets something other than "jail therapy"; a concomitant result here is that the exacerbation of negative concepts (and behavior) may be eluded. Enhancement of sense of self-control is a consideration; this is patent in the case of citation issuance succeeded by proper hearings appearances by the subject. The use of alternatives removes some of the "dehumanizing" effects of arrest. Alternatives "keep kids from seeing themselves as martyrs [heroes]" and "cause less bitterness." Less directly, persons without arrest records have advantages in terms of

[9]This kind of variation exists in much more tangible ways, too. At least one United States police department is alleged to require reporting of every official juvenile contact. See: Cooper, W. B. and R. Galbraith, *Neighborhood Factors Affecting Delinquency Rates*. Phoenix: Arizona State Department of Corrections, April 1974, p. 2. In stark contrast, much police literature indicates a small portion of these contacts enter records. See, for example: Cressey, D. R. and R. A. McDermott, *Diversion from the Juvenile Justice System*. Ann Arbor: National Assessment of Juvenile Corrections, University of Michigan, June 1973, p. 2.

eligibility for some jobs, services, and legal privileges or rights; absent impediments[10] enhance self-esteem.

A great variety of other good effects of non-arrest were noted. They included:

1. "No police record;" "the person gets a second chance"
2. "Some persons appreciate not being arrested"
3. Offenders come to realize their circumstances
4. "Offenders get sobered up"
5. A client may gain some perspective on the police role and learn that there are limits to his behavior
6. "Jail may be harmful" or, more generally, the ills of criminal justice system processing are at least delayed
7. "Some clients become less apt to commit crimes; people are more likely to comply with the law without arrests"
8. "The community well-being is preserved" (This comment issued from observations about a particular near-riot situation wherein police acted in a very restrained manner. Several of the officers decribing the incident saw it as one where the community, generally, was willing to tolerate protracted self-expression by a small number of demonstrators and where physical intervention by police would have cost more in citizen comfort that it would have been worth.)
9. "The negative fear element is eliminated."
10. Clients more readily accept the criminal justice system.

Two other classes of gain merit consideration: assistance of police in their performance of duty and enhancement of officer self-esteem. Some policemen noted that diverted clients are easier to deal with in second-contact situations. Others, more generally but no less pragmatically, emphasized the good community relations aspects of diversion ("We need a few friends"). Savings in court time were noted repeatedly; these accompany decreases in demands on officer labor, concurrent drops in city costs, and simplified police tasks and assure "not as many reports to write." The element of reciprocity was noted; "when you have helped people they give you more help," most explicitly in the cultivation of informants. "People don't fight with officers or act belligerently if they're not arrested," a fact of no small import.

Less directly, some respondents asserted that diversion usage helps the officer learn more about his community, particularly regarding the resource agencies available. A further workload reduction was expressed by: "Sometimes you never see the [diverted] people again" and "offenders who get a break at the right time don't recidivate." Officers and citizens occasionally create "good relationships" in the

[10]The ills attendant upon criminal justice processing are receiving much attention these days. For an early discussion of this topic see: Neithercutt, M. G., "Consequences of 'Guilty'," *Crime and Delinquency* 15:459-462 (October 1969).

diversion situation and "confidence in the police is sometimes developed which causes a person to go straight; a better understanding between the client and police officer is created."

The officer self-esteem topic surfaced often. This occurred through officers' expressing increased positive feelings toward clients, especially when "a thank you for setting them straight" was forthcoming. Several stated: "I feel better about it [use of diversion instead of arrest]." One officer noted that there "is no sense arresting people when they are the only ones who can help themselves;" another summed up nicely with the observation: "I take pride in finding some available alternative."

Certain positive effects of diversion are not readily classified. Typical of these are: (1) the oblique observation that "in [the] low misdemeanor case there is no great harm done by alternative dispositions," (2) "the person doesn't have to deal directly with the criminal justice system," (3) "a non-arrest disposition may replace a lousy home," (4) "it makes people think about next time," (5) "gives a person the chance to think things through;" parents and juveniles get to talk out a problem with the officer and among themselves, "it gives a juvenile someone to talk to," (6) the client is warned of his criminal behavior without getting a criminal record, (7) juveniles who are "not sent through the system" do not pick up negatives from association with other offenders, (8) "some people learn to accept life", (9) "sometimes [diversion] facilitates eliminating a problem at its source rather than using a stopgap," and (10) "diversion cuts prison costs."

Negative effects—non-arrest alternatives

Lest a pollyanna approach be suspected, "ADAPT?" did not neglect the converse question: "What about negative effects of non-arrest dispositions?" Officers were quick to point out that omitting arrest might lead to re-offending. This was expressed as: "he [the divertee] may take advantage of the situation;" "the deterrent effect of the criminal justice system is reduced;" "you get lots of repeaters this way."

Although frequency counts on these comments are nothing but approximations, it is interesting to note that about 50 distinct, positive effects of alternatives-usage were tabulated; only about half that many negatives surfaced. The latter are represented by:

1. some persons come to hate the police as "too soft;" "some people report you for not doing your job"
2. some offenders seem to hate themselves and so re-offend
3. people are left free to commit more crimes; "some people need more pressure to curb [illegal] activities" and a warning or referral merely positively reinforces offending
4. the problem may worsen ("like when a husband returns and shoots his wife" or the divertee suicides)
5. some clients do not respond by using the alternatives suggested
6. the officer or the client may get extremely personally involved (as when he sees the victim)

7. the victim may be displeased for a variety of reasons, such as when he is harrassed by the perpetrator
8. the policeman may feel he has been of no help and/or has not "gotten his day in court"
9. nothing may be accomplished; often the district attorneys, physicians at the detoxification unit or psychiatrists screening commitments dispose of cases inappropriately
10. the officer may be denigrated by his peers
11. some clients may flee
12. public opinion favoring arrest may lead some to feel they have been discriminated against if others "get a break," even when "they don't know the facts"
13. occasionally people "don't want to be helped"
14. "sometimes the 'responsible party' you release the offender to isn't responsible"
15. "some alternative programs get abused"
16. "the officer doesn't have a chance to follow up on the matter."

This last item ties into the fear of many officers of not knowing whether their referral sources actually help clients. Two other general reservations mentioned in the non-arrest context, but which are not necessarily specific to it, are that "society" is not willing to let people "forget their mistakes" and that newspapers "should not print names." One officer observed that a non-arrest alternative may not have sufficient impact to bring a person to "realize that he is the problem."

Arrest effects

To round out the picture the study addressed the question of what effects arrests have. It was obvious that officers have given a great deal of attention to this topic. Another clear conclusion is that an effect that may be "good" for one person may be deleterious for another.

1. Deterrence: some expressed the belief that "the majority of people" are deterred by arrest, others noting that "arrest prevents more serious crime and can stop crime "sprees"; a few stated that "arrest never helps anybody." Others asserted that occasionally arrest is a way to get attention: "some kids get status from being arrested."
2. Longevity: on the one hand there were observations like "sometimes it keeps them [arrestees] alive;" on the other, "sometimes people fall apart and kill themselves after an arrest" and notation that the officer or client may get hurt during the arrest and the client may sustain injury in jail.
3. Social policy: "arrest protects the victim" stands against "prominent persons may lose status" and "people can go bankrupt fighting cases."
4. Emotional effects: "parents may get concerned about their children when they are arrested" contrasts with the fact that many people

become overwrought upon arrest ("when you see a guy, a well-educated guy, who can't remember how to write his own name" or "too often the guy gets dependent on me") and "even if arrested justly, a person who feels he is being treated unfairly may get very upset," "some people become very confused about why we arrest for some [minor] crimes instead of just getting the bad guys."

a. Embarrassment: some noted that arrests are so humiliating for certain people that they are counter-productive; others made observations like "humiliation can be good."

b. Insight: "a person could realize that negatives follow illegal behavior," "it forces the subject to look at himself sometimes," "some write and say thanks, it straightens them out," "some ask themselves if its worth it" contravene the harrassment of victims sometimes subsequent to release.

5. System impact: "arrest gives the jail, the D.A., the judge or whoever the chance to take a larger look and make a thoughtful decision" (in contrast to the pressure on an officer in the street to act on the spur of the moment), "it focuses attention on the arrestee to help insure rehabilitation follow-up," "arrest gives the officer control of the situation," and arrest speeds the justice process and mitigates anger at the police offset arrest of parents and siblings spawns arrest of children or other siblings, "many times a repeater thinks he can go on getting light penalties and a new arrest shows he is right," [arrest] reinforces distrust and dislike of the establishment," "arrest puts you in [the] position of having to deal with very unhappy, mixed-up people," "the criminal justice system makes a fool of law enforcement, as by teaching people their attorneys can help them get away with crimes," "sometimes you wish you had more to throw at the guys," and "arrest can create crime" (a minor disturbance mushrooms into a riot over the arrest).

6. Citizen interpersonal relations: "An arrest can bring people closer together" and "he may get therapy that he wouldn't get otherwise" contrast with loss of rights (as to vote, hold office), placement in a foster home, negative remarks from the crowd, "the church may not look favorably on an arrested person," "his neighbor may not want him around or want children to associate with him," "offenders may learn to be better criminals in jail," and "innocent bystanders [like the arrestee's children] sometimes are hurt."

7. Officer impacts: Statements like "an officer gets satisfaction from a successful investigation leading to an arrest (or from a case where he feels arrest helped a person he fells sorry for)" and "arrest makes some officers more sensitive to people's problems" contrast sharply with addition of "and some less" to the immediately preceding quote, "I wonder if I did the right thing; it's hard to take someone's freedom," "the officer is caught between people who don't think you're hard enough and those who think you're too

hard," "psychological damage to the officer can result, like when the law requires him to arrest for what any reasonable man would have done under the circumstances," the officer is left with the feeling that the court is too lenient, "it gets monotonous seeing them [arrestees] back on the street so soon," for many officers arrest is "an ego trip," "when you arrest you wonder if the case will make it in court," "I wonder what will happen to the guy after I arrest him— especially if he's young," the officer or his family may be threatened and/or assaulted, and "arrest may make a personal friend turn against you because he expects a favor."

Some miscellaneous effects of arrest are notable. "I have to spend my days off in court with no pay", persons may become hostile to society "for passing laws against things they think are okay," "people who don't intentially break the law may get waked up," "you create fewer victims by arresting more people," and "I only make an arrest when I have to" give the flavor of these.

Politics and arrest

The police literature is replete with claims and counter-claims about *why* policemen do this or that, unfortunately often without deciding *what* officers do. Project staff asked respondents whether or not politics played a role in their arrest decision making. Many said no, period. Answers in the shielded interview situation were not different from those in the other setting on this question.

The political concerns that surfaced were interesting. As was the case in several other topic areas, there were many sides to the issue.

The major class of political concerns had to do with deference to status or office or, from another perspective, with reciprocity. These remarks took the form of: "I wouldn't arrest the chief" or "I might get called on the carpet for [arresting] the ex-mayor or a legislator." Other examples related to friendships within law enforcement circles. There were mentions that certain (unspecified) groups would not be arrested. The responses sometimes were quite diffuse, for example: "We are under constant fear of somebody reporting us so we have to consider who each person is." Many references to departmental policy had this flavor, often with expressions of contrary opinions of "policy" by officers who work side by side.

This "favoritism" issue is a double edged sword. "No—there would be a lump in my throat but I would still do it" is a classic expression of how many officers feel about arresting "the privileged." The contrast is mirrored in these two affirmations: "I would arrest a community leader faster than someone else; they should know better than to break the law" versus "I don't lock up major political figures."

Equally contradictory expressions about ethnic group influences were voiced. Ethnic groups tended, however, when mentioned, to be classified as a special variety of problem. Some officers stated they might "go easier with a radical or militant group," apparently feeling another approach was dysfunctional.

A large number of officers said the problem of politics had never arisen; others described the matter as not for them to decide and asserted they would refer any troublesome case to their superiors for decision. A fascinating aspect of this observation is that for some officers there were expressions of "no problem" because they chose not to see a problem. Said one: "There hasn't been [any political consideration influencing any arrest decisions]; I've arrested the city engineer, judges . . ." Others saw politics as a pervasive concern, as reflected in: "The law needs changing on many crimes; I consider the decision to arrest for marijuana political."

One respondent informed that even when a concerted effort to be impartial is expended there still "are double standards." Another reflected this quite subtly in observing that a high degree of reporting accuracy is required when an "influential person" is arrested.

The complainant and arrest

An issue of some similarity to that just addressed is the one surrounding police-complainant relationships. Certainly this topic underlies any consideration of "equal protection," at least.

The primary response to the probe about whether or not police consider the complainant in the arrest decision, when the respondent acknowledged that he/she did, was to the effect that some people are known to file false reports and/or otherwise be unreliable. Problems arising from the need to have a complainant to prosecute surfaced, though the diversity of law in this area perhaps was mirrored by respondents' saying they did and, alternately, did not need to consider the complainant's willingness to prosecute. One statement that seems to summarize this paragraph was: "There are certain complainants you don't pay attention to."

Here, again, personal trust comes into play. The officer has a complex job if he takes the task of avoiding "bad" arrests seriously. Said one: "When I know the complainant I'm more likely to take his word." and, conversely, another: "I wouldn't work as hard for a drug pusher." If the complainant's motives are suspect, this clouds the issues. Some officers cited "negative feelings toward the complainant" as salient.

Attitude is a decision factor in many diversion areas. Much documentation of the effects of arrestee attitude is available; several "ADAPT?" communicants said the complainant's attitude—"where the complainant is cooperative more equity can be achieved," for example—is important. This took a different form for one officer who confided that if the complainant "has been openly down on the department" this might enter the picture.

Several observations among these responses were instructive. One officer noted that he "leans over backwards in racially sensitive" settings to make the correct decision. Another offered that in the family dispute quandary, even when the situation calls for his appearance time

and again, he will not make an arrest so long as it is not necessary to maintain order. Occasionally officers would simply acknowledge that "it [complainant identity] makes a difference;" some elaborated with the observation that if "the boss," a judge or the city manager, "called, that might make a difference."

The client and arrest

The attitude issue is introduced above. The question of whether potential arrestees must pass "the attitude test" remains.

Many officer respondents said there is much intrusion of client attitude into the arrest decision; by no means all felt comfortable about this. Several observed that at times the severity of the crime involved will overshadow all concern with attitude. Apparently there are some crimes so heinous that an arrest will be made wherever possible; other offenses are sufficiently innocuous that no arrest will arise regardless of discerned attitude. Some officers saw "a good attitude" as engendering a desire to help within the officer.

The components of a "good attitude" are not explored exhaustively in the interview schedules; hints at these are found in words like "sincere," "cooperative," and "remorseful." Some respondents told that when a subject "shows he realizes he has done wrong" he may mitigate the arrest decision.

If the client is recalcitrant, impresses the officer as unlikely to appear as necessary for further proceedings, evidences a "desire to hurt people," appears "malicious," is abusive toward the officer ("if he takes after me personally") or seems likely to recidivate, his chances of being arrested are increased, interviewees reported. There are aspects of this concern that are not directly related to the client; several respondents noted that the parents' attitudes in juvenile cases are important.

Many officers asserted they "never make arrests on attitude alone." One humorous example of a corollary to this was noted in the observation by one informant that "We are apt to let Indian student [traffic] citations go because they always go to court."

Several respondents remarked that the attitude of the arresting officer is a variable that is at least peripheral. These ranged from a simple "Sometimes I get up on the wrong side of the bed" through allusions to "pet peeves."

Warner Interviews

Approximately one-half of the police officer interviews included in the "ADAPT?" effort were conducted using a screening technique, thus assuring that no one but the respondent knew his answer to any question unless he chose to amplify his "agree" or "disagree" reply. This was done to see whether or not responses would be different under the condition of anonymity. Of particular interest was whether certain "sensitive" questions would derive divergent answers when the screened expressions were given.

There were 44 questions in the interview which sought a "yes-no," "agree-disagree" rejoinder.[11] Eleven (25%) of these differed in the two interview situations to such a degree as to be considered significant.[12]

Almost every non-Warner respondent (95%) said he felt seeking and considering arrest alternates was worthwhile; 65% of the Warner respondents said so. Far more of the former, as well, observed that alternatives referrals (making some arrests unnecessary) were available to them. Only 63% (opposed to 96%) of the Warner answers indicated the officers ever used arrest alternative procedures. Persons answering under Warner conditions expressed less willingness to use arrest alternatives. Thus, there is a pattern indicating possible reticence to use arrest discretion, a circumstance not evident when only the regular interview responses are tabulated.

Far more officers (36%) admitted "avoiding" assignments in the anonymous-response setting. This carried over into greater willingness to admit fellow officers do so, too. The differential between avoidance admitted personally and that attributed to fellow officers narrowed to negligible proportions in the Warner-response situation.

"ADAPT?" informants were much more likely to say that having to spend time in court discouraged arrests when asked the question under cover of the screening procedure. They also admitted using arrest as a harassment measure three times as frequently.

Far fewer officers (63%) said arrest ever has positive effects when quizzed using the Warner technique. These persons were less likely to aver that arrests ever harm family relationships, however, and they were less likely to assert that arrests ever lead to physical injury to arrestees.

So, as with the literature analysis, the Warner approach gives reason to believe that the inquiry was worthwhile and that it must be expanded before clear results can be expected. Though there is suggestion that study subjects may not be as receptive to arrest diversion as might be expected from vis-a-vis responses alone, there are indications that "sensitive" questions like those involving the function of politics in the arrest decision, the role of offender attitude, omission of arrests outside assignment areas, and the influence of informant status are not answered differently in the divergent information-gathering settings.

**Summary—Interview Results**

Thus far this chapter has discussed the results of project interviews with 228 law enforcement officers in 10 police and sheriffs' departments in the United States. Several questions were selected for discussion and respondents' opinions were explored both from a response frequency perspective and on the basis of individual comments. An analysis of the police diversion evaluation literature follows shortly.

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[11]As with previous descriptions, see Volume III, Chapter B for detailed numerical analyses.

[12]A P level of $<.01$ was used here.

Areas which need further study include, in the attitude sphere, complainant and officer perspectives. The intrusion and operation of politics in the arrest decision is a sensitive—but central—concern. Little is known about how, though there are ample suggestions about whether, these considerations enter the arrest-decision picture.

The great disparity between perceived alternatives available and actual availabilities is staggering. One asks how police can be advised that they do have other options than arrest (and why some see this so clearly while their fellows do not) and how the palatability of the options can be both determined and communicated.

There seem to be little or no data available on the differential effects of arrest or diversion on various offender types.

"ADAPT?" comparisons of responses yielded by screened and direct interview approaches are suggestive of some differences. Perhaps the technique is not needed in a study of this kind, though it would be difficult to argue that no sensitive topics were touched and that no response differences emerged. The resistance encountered in using the random response generator and the constricted utility of the responses it provides are additional considerations.

**Evaluation Principles and Criteria—Description**

The literature on police diversion was assessed in several ways. The structured portion of project work included these elements.

1. Internal Validity

   a. Data

      Types of problems discussed here were those which surround lack of designation of a target population, tangible results to be sought, and of objective tests of data gathered to assess the "success" of the approach. Also at issue was whether a sufficient follow-up period was allowed and whether enough comparison (non-treatment) data were utilized. The last concern in this area was what sources of data were tapped.

   b. Methods

      Often study methods do not call for inclusion of large enough numbers of cases; sometimes one cannot tell from a study report how the data were analysed. It is possible to gather data which are quite useful but to treat them inappropriately. Failure to notice factors other than "treatment" influences can lead to judgment of a project as "successful" when, in fact, the program intervention was not the salient change factor. This problem was addressed by considering alternate ways of accounting for reported program success.

      It is possible, also, to have evidence documenting change in data but to overlook it because the data analyses do not bring the population differences into view. This malady often can be

remedied by re-analysis of data using alternate tools. Here the tack was to locate modes of statistical analysis not used in each study and apply those.

Frequently appropriate data are gathered and they are analysed usefully but there is not enough information to make an extrapolation. This pitfall was searched out wherever it existed.

One other concern in this area is what the implications of findings are. These were identified in studies on an individual basis.

2. Study Strengths and Weaknesses
   Often a research or program effort addresses some phases of action while neglecting others. Each report studied was weighed overall and in sections, posing questions as to what portions of the program evaluation were emphasized and which were slighted. Attention was focused on any areas left unexplored which seemed to be sources of data that would be likely to guide arrest-decision policy. Repeatedly only parts of studies were included in these analyses because the other segments dealt with issues not central to diversion. A familiar sight became that of a study which pursued some questions relentlessly (like characteristics of subjects) and virtually omitted others (e.g., results of implementing alternative intervention modes).

3. Internal Consistency
   An all too common occurrence is the changing of a program or evaluation in mid-stream. That is, one is not able to assess one program evaluation because the research report being reviewed really tells about two or more programs,[13] occasionally interchangeably. This problem arises where the evaluation techniques change in mid-stream, as well. It comes to the fore, too, when a particular technique of assessment proves to be highly variable. Seeking evidence of use of reliability and/or validity tests was one technique used here.

4. External Validity
   Each study was compared with others like it to see what consistency in findings obtained. This was done in some detail so that, for example, cost benefits claimed for a given intervention technique could be compared across studies with reference to presence or absence, direction, and magnitude. The major External Validity cells used, in addition to "Cost Benefits," were "Treatment Effects," other important environmental factors, and "Restrictions on Population, etc., Applications."

5. Policy Relevance
   Each set of findings was viewed in terms of what it means to policy decisions. Those having implications for arrest-decision policy are

[13]Adams, W. P., P. M. Chandler, and M. G. Neithercutt, "The San Francisco Project: A Critique," *Federal Probation* XXXV:45-53 (December 1971).

detailed, this judgment turning on whether the studies in the target set gave clear findings, whether or not the findings were consistent, whether these findings apparently were broad in their scope of application or could be applied to explicit, though narrow, population subsets, whether they called into question extant policies which predominate for other reasons, and whether or not the findings supported propounding a policy which can be interpreted, understood, and implemented practically.

Because of the centrality of the policy issue to this study, Chapter E is devoted exclusively to it. A list of policy suggestions formulated from study of the police discretion literature and the core set of evaluation works can be found there.

**Evaluation**

1. Internal Validity

   a. Data

Concern in this area focused on whether the studies formulated clear problems and gathered and analysed data addressing the hypotheses set out. In a strict assessment of research studies one would forego attention to problem formulation considerations, other than as the structuring of hypotheses attends to these needs. Use of both categories proved helpful, in that many of the 22 core police diversion evaluation studies contained no explicitly stated hypotheses and some required liberal interpretation to identify unitary problems being addressed.

The usual problems formulated ranged from securing baseline data (e.g., How many juveniles were arrested in a given jurisdiction during a stated time period?), through exploration of whether or not given programs (of varying degrees of specificity) could be implemented, to what the results of these new approaches would be. The hypotheses generated within the studies included:

1. juvenile diversion to community agencies will result in at least a 40% reduction in recidivism rates or "anti-social behavior,"
2. resource agencies will be effective differentially in reducing anti-social behaviors of diverted clients,
3. diversion of juveniles to the community will improve normative behavior, including, school attendance, parental obedience, attitudes toward family, choice of companions, feelings against drugs, self understanding, and attitudes toward police, drugs, etc.,
4. the project will reduce drug arrests of juveniles by 15%, "chronic" truancy by 10%, and juvenile petition filing by 10%,
5. a new approach will reduce form filing, "voiding" of summonses, police time spent with inebriates, officer expenditure of court time, and county jail population,

6. detoxification treatment with referral for aftercare will have generally beneficial effects on clients' life styles and interrupt the revolving door phenomenon,
7. diversion of alcoholics will enable subjects to accomplish complete re-entry into "community living" via treatment and aftercare,
8. re-admission rates of alcoholics to the criminal justice and state hospital systems will be reduced,
9. youth service systems will: cut penetration of juveniles into the juvenile justice system, increase the proportion of youth diverted from that system, and decrease the likelihood of future delinquent behavior compared to clients of probation,
10. the program will provide: social work services to youth and their families instead of arresting narcotics violators, community education and consultation on drug abuse and community resources, and assistance to community groups in developing drug prevention and assistance to youth now involved with drugs,
11. study will lead to an overall picture of the extent of use of and factors relating to use of police diversion of juveniles,
12. if disposition of offenders is to affect their subsequent offending, the effects are most likely at first official contact,
13. officer attitudes and characteristics (i.e., status of officer in his reference group) will differentially impact disposition decisions,
14. given forms of officer training will lead to superiority of trained personnel in crime clearance, felony clearance, misdemeanor clearance, number of arrests, "danger-tension" index scores, and total crimes known,
15. effectiveness of given services will increase with closeness in time of intervention to crisis occurrence,
16. racial background is related to diversion rates, and
17. racial background relates to speed of improvement during treatment.

This list presents a vast array of proposed accomplishments. One among these needs even further elaboration, however; the matter of "success," (alternatively, recidivism) is addressed in multiple ways in the hypotheses. These go from clinical assessments of "sickness," to counts of arrests, re-arrests, petition filings, adverse findings, dispositions, and assorted forms of "recyclings." Besides the school, family, and other attitude considerations listed above, there are claims of attempts at complete community re-entry, improved life styles, enhanced service capabilities (including shortened response times), improved educational opportunities, better classification and identification methods, improved understanding of system functions, shortened criminal careers, reduced police workloads, fewer police injuries/deaths, general crime reduction, better referral mechanisms, greater effectiveness of non-police social services, expanded use of diversion, and cost reductions in of-

fender handling. No two studies focus on the same set of hypotheses and none of these addresses the same hypothesis in identical fashion to any other. Certainly this kind of variety, even where lack of specificity does not prevail, fosters inconclusiveness.

The target populations are quite varied, too. Generally (in 16 instances), the studies target juveniles, at least predominantly; however, the age ranges differ and sometimes are unstated. Further, many studies take a referred group, thus making generalization to other settings very difficult because the referral criteria are not explicit. This problem compounds when the follow-up data are presented since such exclusions as of "runaways . . . because of the difficulty of keeping records since some of these persons are absent" abound. Where referral criteria are stated, they take rather nebulous form (e.g., "acting out behavior" problems), are highly varied, and apparently do not always remain constant over the progression of the program.

There are many cases where target populations are drawn from a small number of police precincts, often because these precincts have attributes (like reasonable workloads) that are not necessarily pertinent to the diversion enterprise and not generalizable to even the parent city, much less cross-jurisdictionally. The dictates of existing records systems prevail, leading to assessments based on locatable records rather than on study populations.

There are no evident patterns resident in the studies' target populations descriptions. Sometimes age groupings are reported; at other times designations like "juveniles," "youths" or "pre-delinquents" are utilized. Often background variables are detailed (ethnic origin, sex, prior record), without consistency in inclusion or definition across studies. Repeatedly clients who volunteer comprise the study populous, and there is no comparison of these persons with their reticent colleagues. Source of referral is not consistent, either, so police divertees tend to be mixed with clients from probation, court, families, family service agencies, and youth service systems.

The target populations are notably lacking in older and more serious offenders. Typically, studies look at minor juvenile offenders, leaving the question of program effects on other potential participants unaddressed. Care must be taken in reading these works to note peculiarities in definitions, like variations in legal prescriptions across codes; to this appends notation that often the evaluation finds, retrospectively, that it addressed only part of the group it sought.

Designations like "first offenders," "urgent referrals," those who "waive prosecution," and "crimes unrelated to required bookable traffic offenses" hinder evaluation immeasurably. Where comparison groups are defined by recorded offense entries all the problems of inaccuracies and omissions are exacerbated as the target and comparison groups receive intake in different ways.

This same set of criteria applies to cases where staff, rather than criminal justice system clients, are the subjects of study. When one sees

a set of staff who were "approved by their commanding officers" he has no way to know what this means, any more than he can fathom a description of a client as "deemed amenable to diversion treatment" or a situation as one "where personality or environment is perceived by officer as contributing" to illegal behavior.

When the restrictions on the target population of a study are: volunteer for treatment at time of booking, be accepted by the treatment program, be subject to certain summons procedure restrictions (unspecified), be city residents, not be psychotic, be "properly motivated," not be in a methadone program, have no pending warrants, not have "too many prior convictions," be arrested in one of two specified precincts, and be able to make a "free and intelligent decision," a rather typical description is being read.

A usual condition of an objective study is that it define results and their implications/interpretations before it starts, thus discouraging "making sense" of the findings in an opportunistic fashion. Only about half of the studies in this group could be said to have addressed this consideration.

Where they did, reduction of "recidivism" by a given amount or diversion without increased re-offending were familiar objectives. Some sophistication was brought to this criterion by introduction of techniques for assessing outcome differentials across offender groups and alternative intervention strategies. The usual implication from a "positive" finding was that the program should be continued, expanded or otherwise altered in certain ways. Savings in (primarily) police time were taken as another buttress of program continuation recommendations; more detailed criteria went to lessened frequency of drinking episodes, better personal adjustment, decreased penetration of the criminal justice system, increased officer competence, expanded community awareness, strengthened foundations for better planning and policy formulation, augmented theory testing, improved predictive devices, accumulated understanding as to program effectiveness, and improved intervention strategies. More nebulous pre-defined results centered on degree to which clients kept scheduled appointments, the amount selected system costs decreased, apparent officer receptiveness to new programs, and ratings of programs by clients, corollaries, and disinterested observers.

The implications from these pre-defined results included the aforestated support of future, similar (and expanded) enterprises and need of certain officer training techniques, absence of creation of "migratory crime" by diversion, need to concentrate on discovered treatment differentials, and certification of given programs as cost-effective.

Another necessity of rational data accumulation is sufficiency of study and follow-up periods. There are no uncontestable standards known for how long a demonstration project period should be before one places faith in its results. The same is true for program follow-ups. Of the 18 studies stating their period of operation, 8 (44%) ran less

than 12 months. The mean duration of these 18 programs was 16 months.

Of the 15 studies wherein follow-up periods could be determined, the mean period was 8 months. None ran larger than 24 months and 8 (53%) followed cases less than 4 months. Even lacking a set standard, the deficiencies of these studies in the follow-up area are clear. Four studies (27% of the 15) had no follow-up. Assessment of the effects of diversion without sufficient attention to longitudinal effects would seem a hopeless task — at best.

Use of a control or comparison group logically fits hand-in-glove with evaluation of program results. Five of the 22 studies (23%) used no such device. Among those studies seeking to fill this need, the overwhelming tendency was toward use of comparison groups. No study used a strict control group experimental design on all divertable clients, randomly selected. The typical model was comparison over time with baseline populations.

Care in assuring that the comparison groups were comparable to the "treatment" populations was seldom evident. Usual failings were for the original study group to be cut to a bare minimum for follow-up purposes (as from 1,192 to 192), starting the experimental phase well into the program's operation (like 3½ months into a 10 month study), and loss of multiple subjects for "various [unspecified] reasons." In several studies some rather sophisticated statistical techniques (multiple regression and analysis of co-variance, for example) assisted the comparisons. The feeling that the techniques were far better than the data bothered "ADAPT?" staff.

One technique used by some studies was the prediction of "system rates" from past system input. The current flow then was juxtaposed to the predictions. This method has a certain appeal to it; unfortunately, there were several cases where the predictions themselves were grossly erroneous, thus detracting from the utility of the technique.

The last consideration in the "Data" category has to do with information sources. This evokes perhaps the most disquieting set of comments on the topic.

The typical information approach was simply to tap existing data sources without regard to their obvious weaknesses. Thus, a police or sheriff's department's records were accessed as usual and, occasionally, compared to a county "central index." Some programs developed their own data instruments; uniformly these were not validated and so, often, were no more reliable than what they replaced or augmented.

Another undesirable course of action was use of ratings or informal assessments by various, often biased, sources (like divertees or diversion agency personnel). In some reports assessments were cited without question or explanation. At times "ADAPT?" staff presumed the data source. In some studies community professionals (whose competence was assumed) offered their impressions; others took school and other

records as resources, uncritically. In pre-post study designs, occasionally early data omissions were "filled-in" at later interviews.

Sometimes data sources changed during the course of the study (as when a police department became concerned over restricting access to its files). A study which serves as a relative model in this group used these data sources:

1. each police department's (12 in number) Juvenile Contact Reports,
2. juvenile probation department records,
3. a special attachment (project designed) to the Juvenile Contact Report,
4. a youth-agency contact questionnaire (project originated), and
5. a baseline organizational survey (project inspired).

Perhaps the most frustrating situation encountered in the data sources area was that where a local police department's records were all that were used (in one instance, despite the fact that less than half of the department's contacts were with residents in its jurisdiction). A distressingly similar result came from partial accessing of even the record systems used (as where the county arrest repository was consulted only in part of the study cases).

b. Methods

The question of whether or not the sample or population size in a study is sufficient seems rather elementary. It can become somewhat complex, however.

Only 3 of the 22 studies (14%) received unequivocally positive ratings on this consideration by "ADAPT?" reviewers. Extreme negative examples were 2 studies which, in the final analysis, rested only on 20 and 38 cases. Many of the programs, in fact most, had sufficient numbers of subjects for certain kinds of analyses. A large number of persons (over 15,000) are reported in these studies; it is truly a shame that so many reservations about sample size arise from a group of this magnitude.

One problem is that no sample (only the population universe) is sufficient if selection criteria assuring representativeness are omitted. This deficit occurred repeatedly. Another common weakness was the partitioning of samples in progressively refined analyses until absence of cases stopped the process. This happened particularly in the follow-up portions of these studies, where costs escalate quickly — and where core concerns are resident.

In studies depending on voluntary participation the number of cases facilitating accurate extrapolation needs to be huge. If one chooses to assess a non-random subset of his cases he almost cannot secure enough subjects to defend generalizations.

A particular problem in these evaluations of police diversion occurred in programs which were inclusive of clients from non-police sources. In these, the proportion of police referrals tended to be small, eventuating in situations where, for example, of 258 divertees only 30 were from law enforcement.

Those studies endeavoring to demonstrate reductions of already rare events (police assaults, killings) need large numbers of cases because of the infrequency of incidence of target behavior. Where expensive and time-consuming training is required, program costs increase quickly.

The question of method of analysis is central. Surfeits of cases are useless given inconclusive analytical styles. Where approaches were used that served analytical interests, a common scene was the gathering of data either before the program began or at commencement of study for comparison with later results. Rarely was the preferable cohort follow-up used, wherein the investigator follows a defined set of cases for a fixed period applying consistent performance criteria to the whole group. Occasional attempts at random assignments to "experimental" and "control" groups with later evaluation of differences in outcomes were encountered.

Some studies used baseline comparisons (mentioned above), not to evaluate client performance but to determine whether or not diversion actually was being accomplished. This system assessment often consisted of frequency counts, as of the time contacts take under usual opposed to diversion situations. System rate analyses occasionally took on considerable sophistication, as in one endeavor where system diversion and penetration rates were extrapolated by sex of client and study made of these to determine if penetration was decreasing and diversion increasing, with estimates of what proportion of each could be credited to diversion program efforts.

One investigation of attitude and its effect on the arrest decision used cluster and factor analysis techniques to yield 4 salient attitude factors. Officers were then grouped into 14 different attitude types and analyzed according to their background characteristics and situation determinants. This contrasted sharply with the more usual frequency counts and percentages of, for example, services deemed and services reported provided. This also contrasted with studies which reported use of such things as "a specially devised adjustment index," a descriptor which helped little in assessing the utility of the study findings.

Data appropriateness is relevant here, in that there can be a mountain of facts at hand and they can be analyzed with finesse, but if they are not germane to the problem the effort is doomed. The most disturbing lacuna in this area was absence of data assuring that persons diverted were, indeed, people who would have been processed through the criminal justice system, failing use of a discretionary program. Next most troubling was lack of information leading with conclusiveness to assertions about effectiveness of programs. In only 5 of the 22 studies (23%) were data rated by staff as wholly appropriate.

The nature of these deficiencies is instructive. In some cases data were drawn from groups which were not different or were overlapping, unclearly defined or spasmodically (or otherwise selectively) tapped. Repeatedly "ADAPT?" reviewers could not assure themselves that the data were tailored to the programs' information needs. Often the data were deemed inappropriate because they were insufficiently extensive; this lack surfaced in the abbreviated or absent follow-up situations, particularly.

Another recurrent failing was the use of comparison data from groups not demonstrated to be comparable or from sources hopefully applicable which, on testing, proved unsatisfactory — in the latter case, without alternate information being available. Sometimes data were so general (as for number of arrests in a metropolitan county) that their pertinence or reflectiveness to a small departmental study was highly questionable. This occurred most often where process data were presented alone. At other times there were no data to buttress assertions (expressed hopes) that noted changes related to the intervention strategy under discussion.

On some occasions scales were developed but not validated. Very short programs almost uniformly omitted possible seasonal variations from their ruminations. Where clients were highly, inexplicitly, and/or inconsistently selected, data were uniformly absent to vindicate the, often sweeping, generalizations generated. This took its most stark form in those instances where data simply did not address study questions (as where expressions about effectiveness rested on no follow-up data and assertions about savings were grounded in no empirically derived cost findings). One study aptly described the usual situation encountered:

> The action program was not designed with evaluation in mind. There was no control group or area, no collection of baseline data, no specification of desired goal-achievement levels, etc.

One definitional problem hampered deciding on the appropriateness of data in several inter-departmental studies. It is known that the definition of a juvenile "arrest" is highly variable; thus, those studies utilizing diversion ratios (the relationship between number diverted and number arrested) were subject to reservations because of this variation. Studies looking at "first offenders" faced a similar dilemma. A person can be a first offender repeatedly if the records used to make the classification decision are incomplete. One then makes comparisons of persons who have prior records. This is a special instance of a general class, that of inappropriate designation on matching. Not dissimilar is the quandary created when elementary things like recording procedures change without notice or "correction."

Sometimes study data were drawn from special groups (highly selected, for example) without reservations about the atypicality of these aggregates. The data thus were appropriate to the population studied but the results were generalized beyond that sphere.

A recurring data appropriateness concern arose in the area of recidivism ("failure") designations. Some studies took a new police

contact, others re-arrest, new finding, or new sentence of same or greater severity as the criterion; still others used combinations of these. In the last instance some groups perform better on one measure whereas others look more "successful" on alternate criteria.

Statistical tools encountered in these police diversion evaluation studies were diverse. Frequency counts and percentages (or proportions) were most prevalent. Significance tests were predominantly represented by chi-square, "F," "t," and "Z" approaches. Various ratios appeared. Some scaling was employed; occasionally an instrument was derived (as from interviews). A few studies used more sophisticated techniques. These included: multiple regression, (in one) polynominal curve fitting, correlations, partial correlations, factor analysis, and "simple linear time series regression."

Obviously, the purpose in addressing this topic is not to demonstrate proficiency at listing tests used. Rather, an idea of the utility of the statistical approaches employed was sought. In 15 of the 22 studies (68%) "ADAPT?" reviewers suggested that alternate statistical tools would have been useful or that no statistical approach could salvage the study data. Typical auxiliary analysis needs included significance tests, expressions of values as rates rather than frequency counts, correlation, factor analysis, and analysis of variance (covariance). Several studies could be made far more useful by some data analysis addenda. Unfortunately, in many the added analytic input would be futile.

The heart of this assessment rests in the question of what findings emerge from the police diversion studies scrutinized. The text returns to this discussion in the "External Validity" section. At this juncture it seems useful to look at the results the studies reported in overview.

It was typical of studies that they eventuated in mixed conclusions. E.g., one study reported a reduction to 35% in recidivism rate concurrent with juvenile diversion to community agencies, differential effectiveness among diversion resource agencies, and improved client behavior in relationship to parents, attitute toward family, choice of companions, attitude against drugs, self understanding, and attitude toward police, school, and other community agencies; however, school attendance for one group of divertees deteriorated. Another study sought reduction: 1) of juvenile drug arrests by 15%, 2) in school absence by "chronic" truants by 20%, and 3) in juvenile court petitions filed by 10% during the project period. It found: 1) drug arrests down by 15%, but in only 2 of 5 categories were arrests reduced while arrests rose in the other 3, 2) suspensions for truancy were down by 20% although apparently many truants simply were being diverted rather than suspended, and 3) petition filing was down by 5% during the past three years (the study was 9 months in duration) but up 16% over the previous year (in other words, during the course of the program). The third example of mixed findings chosen is more detailed. It hypothesized that in 5 separate locations presence of a youth service system would: a) cut penetration by youth of the juvenile justice sys-

tem, b) increase the proportion of youthful offenders diverted from that system, and c) eventuate in a lesser likelihood of subsequent delinquency among divertees than among youth processed by juvenile probation. The results were as follows:

Location 1

a. penetration was reduced overall; however, it increased for serious offenders and there were almost no significant effects on females,
b. the proportion diverted increased,
c. divertees did not perform better than probationers.

Location 2

a. "We can make no general conclusions about changes in penetration during FY 73 [fiscal year 1973],"
b. in one sub-location only the most serious offense class of females increased in diversion proportion; in the other (where no sex breakdowns were available), diversion of all offense types increased in the late stages of the study period, with changes among less serious offenders being less dramatic than those among the more serious,
c. only one of several diversion programs in this geographic area showed significantly superior client performance over probation; total group differences were not significant.

Location 3

a. only on the most serious male offenders were analyses reported as dependable; there penetration doubled,
b. only the least serious female offender data were considered sufficient here; diversion increased significantly in that group,
c. use by police of this diversion opportunity was negligible, making this comparison unfeasible.

Location 4

a. no data on which to base this assessment,
b. again, insufficient data,
c. no comparison to probation is provided; instead, the report states "participation in the YSP [diversion] appears to be associated with a substantial decline in self-reported delinquency."

Location 5

a. the data do not reflect that the diversion program has effected the mixed penetration changes reported,
b. data on police diversion cases in this category are not reliable,
c. there is no evidence of lessened delinquent behavior among divertees (though the comparison group's delinquent activity increased significantly!).

Some studies reported uniform success in their endeavors. Most of these tended to use less than definitive analytical approaches, although one of the strongest studies in the group fell into this category. No documents recounted totally negative results. One came close to it in observing that less than half of the eligibles agreed to participate in the program and, among those, half left the program within 2 weeks. Another project observed that it lost momentum rapidly near the end of its operation and would have turned in negative results had it expired a few months later.

Almost all studies, if not every one, relating positive findings were subject to charges of claiming results not achieved but which capitalized on space time coincidence. The problems police diversion is designed to meet are pervasive and complex. To assert that introduction of a modest community resource has led to mammoth cuts in crime can be ludicious, yet only one study in the 22 (5%) took a serious look at how much of a given effect could be attributed legitimately to the diversion programs it scrutinized.

Those programs that referenced "treatment" effects ran the risk of having exercised covertly discriminatory selection procedures, been victims of poor record keeping or analysis, been the benefactors of police policy changes, unwittingly experienced the effects of an alien-inspired drug shortage or a momentary market fluctuation, seen the results of population mobility, overlooked or deleted salient criterion variables while focusing on a fortuitous few, heralded certain gains (like savings in police time) while omitting mention of others that overswayed these (like increased costs in every succeeding criminal justice system component), applauded divertees' punctuality on hearings dates while simultaneously not discovering their interim new offenses, taken as "successes" people who should not have been potential divertees in the first place, followed only a portion of the treatment group and drawn erroneous conclusions from this unrepresentative sample, experienced "beginner's luck" and mistaken it for program solidarity, consistently "lost" adverse cases because of criterion assessment mechanisms, benefited from momentary lapses in police surveillance levels, seen the effects of maturation and taken them for "rehabilitation," received initial support from officers who hope this program will "work" but who will come in time to lose faith in it and stop giving participants "the benefit of the doubt," "discovered" statistical artifacts arising from essentially chaotic program input because officer participants have no clear notion of what they are supposed to be doing, and been unable to do a definitive analysis because no true comparison group can be derived.

Almost no supportive evidence was found outside the individual studies. Some analyses were patently unsupportable and this could be seen from internal inconsistencies or omissions in program reports. Occasionally rough analyses performed by "ADAPT?" reviewers outside the tabulations reported tended to buttress findings; the lack of percolation of diversion evaluation findings through the police literature makes the search for extra-program support rather frustrating, however.

In answer to the question "Are Data Sufficient to Support Conclusions? (Specify Insufficiencies)" only 2 of the 22 (9%) studies were given unequivocal "yes" responses by "ADAPT?" reviewers. Insufficiencies included: inappropriate (chaotic, unstructured) sampling, small study groups, unsupported generalizations from data, inaccurate and self-contradictory findings, inconclusive analyses, incomplete explorations of data, use of admittedly unreliable information, lack of demonstration in analyses of claimed "findings," use of data characterized as "preliminary," conclusions drawn that are opposite to data implications (as where data show the program is not working but the investigator recommends its continuation), and use of inconsistent analytic approaches.

The proffering of alternate data interpretations rather frequently was stymied by virtual absence of data to interpret. One repeated possibility was that results reflected altered responses to a system rather than fundamental behavior changes. On many occasions the data detailed were as readily interpretable oppositely, given a different perspective. The most frequent single reaction in this area was that several conclusions of great divergence were possible, given the material to be used.

The police diversion area is particularly susceptible to officer recording patterns; many times data did not eliminate the possibility that "treatment effects" really were system fluctuations. When control and/or comparison groups were used, seldom was it clear that their comparability had been established. This left the field of possible alternate interpretations almost unbounded. Where data analyses rested on officer recall the assumption that recall accuracy was high was questionable. In instances where jurisdictions overlap (there probably are no police jurisdictions that are not shared by other law enforcement bodies, at least to some degree), there is the possibility that an alternate force is concentrating efforts in such a way as to cause illusory program effects to appear. (This is especially a risk where a city police department is diverting drug offenders and using its re-contact rate as an indicator, not realizing that the local sheriff's office is making a "law-and-order drive" out of the department's diversion population.)

Qualms about the logical implications of a study are especially susceptible to confounding. This is expressed in the question "What if God isn't an Aristotelian logician?" Nevertheless, these studies leave some large questions of logic, many of them primarily the fruits of unfettered optimism.

In face of repeated research findings (not to mention a wealth of "common sense"), many investigators continue to rely on assessments of acts by the actors. Grave reservations about asking policemen to evaluate their own performance in many areas seem reasonable. Most projects in this group took ratings by law enforcement functionaires, clients, involved observers, school children, and parents at face value, with little effort at reliability or validity checking. In many cases data from a short space of time in a jurisdiction only a few square miles in

size eventuated in a "conclusions" section discussing the cosmos. Previous comments about data appropriateness mesh with this remark.

Time analyses seemed to be especially prone to selective perception in these evaluations of police diversion programs. It was not uncommon for partial analyses of patrol officer time expenditures to be used as "proof" that diversion is a time saving device; omission of any other concern with time or other costs (either within the police department or without) vitiated such analyses.

The most obvious example of a "logical leap" was seizure of a single positive indication among several contra-indications for emphasis. For example, any decrease in arrest rates or index crimes known was likely to be seen as verification of a program's utility. This was done despite the fact that it is virtually impossible for a project handling only 20 or so clients at a time to impact such a gross index as crimes known.

Closely allied to this concern is that for system adaptations to new approaches; this was almost uniformly absent, and never treated exhaustively. In one project, for example, there were indications that as police used juvenile diversion more frequently probation referrals tended to come more heavily (numerically, not just proportionally) from non-police sources — this, of course, meant the system may have been developing a bypass of police diversion. To call this program a success, based on increased use by police of arrest alternates, could be a grave misinterpretation.

One error occurred so frequently that it is mentioned here even though it often is seen as "a mere matter of detail." When control/comparison group approaches were employed there was great likelihood that the follow-up periods would not be identical for the groups compared. Clearly, one cannot get valid program performance results indicators by giving the treatment group 4 months in which to recidivate and the control group 18 months.

A more fundamental variety of this problem goes to the question of definitiveness of criterion. When a study looked at arrest rate fluctuations, how that was necessarily relevant to a diversion program's operation could be asked. Even more important are these considerations set in a quasi-legal environ. When studies attempt to evaluate family crisis and similar programs, they often use criteria that move away from legal definitions as indicators of project performance. These are in danger of introducing bias (cultural, ethnic, economic, religious) which makes conclusions unsupportable except in a very narrow context.

This bias loses some of its innocence in at least 3 of the 22 studies. In those even a careless reading reveals a hidden agenda; the program "works" regardless, usually, apparently, because of economic and political concerns within the project surroundings. One of these takes far greater care in presentation than in documentation; another has been acclaimed in various settings even though it is considerably less than definitive.

2. Study Strengths and Weaknesses

In 15 of the 22 core studies (68%) "ADAPT?" reviewers felt that no phase of the work was explored exhaustively. In others among the remaining 7 only a marginal area (like officer activity levels) got close attention. Items of study most likely to be neglected were identified as: control/comparison group selection, meaning of criterion data, stability of program and various crucial concomitants (like departmental arrest policy) over study period, care in assuring that divertees were persons who actually would have been arrested absent the diversion alternative, implications of subjects missing from analyses, cost/benefit considerations, records failings, clarity of criterion, community impact, nature and duration of claimed effects, meaning of criterion fluctuations and irreconcilable findings, definition of specialized/unique evaluation tools employed, and systematic report on various goals set for the projects.

It was not unusual for one study to expound at great length on a topic (say, data collection system used) whereas others granted it a line or two. Anomalies in rigor have been described above; such things as careful data analysis supported by almost capricious data collection, large vacuums of data (as where only one of 2 diversion programs described is evaluated), extreme care evident in description of study population with no attention to client performance, and extended discussions of probable implications of almost no data are pervasive.

3. Internal Consistency

Fully half of these core studies could not be described as having addressed a single phenomenon (including a series of discrete single phenomena). Repeatedly these diversion program evaluations attempted to discuss a welter of undifferentiated phenomena, changing their techniques of assessment (where any existed) to meet unforeseen needs. Criterion stability was an unusual, rather than typical, characteristic.

The most objective guage used in this area was answer to the terse question "Were Reliability/Validity Tests Run?" In only 5 (23%) instances could even a qualified affirmative answer be given. Even among those 5 the tests tended to be only partial in coverage. In one, the sole validity test employed was applied to a police attitude scale developed by the project. The test resulted in omitting use of the instrument because it did not prove valid.

4. External Validity

a. Treatment

The "Treatment Effects" portion of this analysis is central to the decision that diversion instead of arrest is or is not commendable. That is axiomatic. Fascinatingly enough, few of the 22 core studies look at the issue at all! Those which do almost uniformly raise more questions than they answer.

The effectiveness question can be conceptualized as centering on whether divertees eventually penetrate the criminal justice system in fewer numbers and to a lesser extent than comparables. Several of the core studies indicate that potential arrestees can be diverted, though there are multiple studies in which apparently the divertees would have been "counseled and released" had there been no diversion project (in other words, they would have been diverted anyway, and inconspicuously so).

There were 14 among these studies (64%) that addressed the recidivism/penetration issue. Half of these were judged to have done so inconclusively as regards recidivism, either because their "findings" were not substantiated by data or because the results were highly variable. Of the remaining 6, 2 reported no differences in recidivism by experimentals (divertees) and controls (arrestees); 3 reported superior performance by divertees and 1 ascribed superior outcomes to arrestees. Thus, the impact of diversion remains an open question.

Those quick to claim these data suggest that diversion works "at least as well" as arrest and its corollaries need to remember this caveat. This central proposition is insufficiently tested in these diversion evaluation studies and no real analysis of how diversion works with serious offenders has been found. Since only 1 of the 6 programs addressed adults, the question of how adults react to diversion apparently has not been opened.

In fact, no studies give clear directions to which persons are most safely or easily diverted. Often first offenders and females are reported as doing best under diversion conditions. However, one expects and finds that result in the control groups as well, and the opposite occasionally occurs among both controls and experimentals.

That diversion programs can be effective has been stated. Whether or not they dependably forestall penetration is another question. Only 7 studies herein give strong indications on this issue; 3 report large reductions in penetration, 2 say the pattern is much less clear and that penetration reduction is not consistently attributable to the diversion programs at hand. The balance (2) observe minimal police use of these programs. To these must be added those which recount a loss of police acceptance after some experimentation with the arrest alternatives. The question of whether or not diversion availability reduces penetration of the criminal justice system remains unanswered (despite the "obvious").

b. Other concomitant considerations

This group of studies gives superficial attention to the "service gap" issue. One objective of diversion can be to lessen the time between identification of a need and provision of services to "meet" the lack. The work of Treger[14] most systematically discusses this subject. That

[14] Police-Social Service Project.

study carefully tells of reducing the waiting time for services, as well as augmenting the police capability with social workers' skills.

There is an incredible array of diversion approaches available. A conscientious look at 5 youth service systems[15] in various cities amply documents this fact. That these select populations differently, provide services differentially, assess study groups variously, and sometimes show insensitivity to these variations verifies that there is much work to be done in describing the system implications of diversion as an intervention device.

Some of the core studies focused on upsetting environmental happenings during their operations (e.g., unusual ethnic tensions). It seems plausible that introduction of a special intervention endeavor is likely to be both a reaction to and a progenitor of atypical police environments. The "ADAPT?" assessment base does not facilitate moving beyond this observation, however.

The differences among police departments and among precincts within a single department have not been catalogued adequately. These were observed in project interviews and a couple of the diversion evaluation studies have commented on them. A similar issue is the effect of residence on police decisions (both as to "bad" addresses and distant homes). There are indications in the studies that persons from outside the jurisdiction are treated differently (sometimes more, sometimes less leniently) and that they appear to respond better to diversion — this latter observation is peculiarly susceptible to weaknesses in follow-up records systems, however.

c. Population narrowness

The most common problem in the core studies was that seldom could the study population be identified sufficiently well to generalize from it. Repeatedly some kind of screening of referrals was transpiring which was not explicit. This would suffice to invalidate a study; add to it an unrealistic follow-up period (like 2 months) and the restrictions on conclusions outside the perimeter of the single study are overwhelming. The usual circumstance was one in which all "referred" persons were assessed, how the referral mechanism functioned being left unexplored.

Another common population restriction was that there just were not enough cases studied. Similar to this problem is one which applies to a particular legal definition (e.g., the *California Welfare and Institutions Code* section 601) which cannot readily, if at all, be overlayed on a "foreign" jurisdiction.

The way in which the target populations herein are most restricted is by chronological age; almost no evaluations of adult diversion are in evidence. A common concomitant of this is the notation that all subjects "volunteered." That term is a bit hard to interpret in an arrest situation; it probably means many different things in diverse locales.

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[15] *National Evaluation of Youth Service Systems.*

As would be expected, no programs dealt very extensively with rural practice. Mostly city — and inner-city at that — populations have been assessed. Several of the studies were done on alcohol offenders or other marginal law violators and/or on first offenders. One would be loath to assume these subjects representative of offenders as a group.

Equal negligence of police characteristics prevails in these studies. Many were done by juvenile bureaus or their equivalents; some were undertaken by officers with special training. Usually, however, one gets little more insight into system functionaries' attributes than into those of program clients.

Some of the studies include only persons (usually juveniles) who penetrate as far as the police station. These clients have been highly selected in most jurisdictions by the time they have reached that stage of proceedings. Problem: the attributes of the pre-screening process are unknown.

Miscellaneous other constraints attach to several study populations. These include: residence in a given geographic locale (almost always at least covertly a factor), lack of "mental problems," adjudged amenability to "treatment," lack of other law enforcement "holds," an "acceptable" alleged offense, lack of fear/threat of interpersonal violence, relatively innocuous prior offense history, and some degree of political acceptability (many jurisdictions reserve a veto in diversion cases if an offender is "too hot").

d. Cost benefits

This section is unfortunately easily completed. No study in the 22 addressed the issues of costs and gains adequately.

One indicated a savings to local government of $562,938 over 11 months. However, an elaborate set of extrapolations underlies this figure. It appears to be a well meant guess at best.

Another evaluation states that as the police recidivism rate goes up (from more extensive implementation of diversion plans) the probation department recidivism rate goes down. Savings are ascribed to this but no dollar amounts attach and the phenomenon is not stable across police divisions.

A similar approach says police diversion programs save probation departments money. That study omits looking at how police departments' resulting costs are impacted — an important oversight.

There are some studies which note that police contacts with given clients are reduced by diversion (as with alcohol offenders). These studies do not contain follow-ups over time. They assert that police time, court time, and jail time are saved by detoxification; they do not translate these even into short-term dollars.

One final study approach is of interest. This program claims diversion is cost-effective compared to use of existing probation services, on a "per client" basis. There is no assessment of the reasonableness of these

probation costs or of how much they would be lessened by reductions in their usage. Also omitted is comparison of this diversion program's costs with those of other non-probation intervention strategies.

Thus, there is insufficient evidence to support a position on the cost-effectiveness of diversion. Some studies suggest that diversion programs have not lessened police costs as expected, others hint that police costs will be greatly enlarged without assuring reductions in other criminal justice system components.

## CHAPTER D

## THE LITERATURE: SOME OBSERVATIONS

"ADAPT?" focuses, as aforestated, on the evaluation of police use of diversion, both in avoidance of arrest and in mitigation of post-arrest, police controlled criminal justice system penetration. This thrust is quite narrow. So, there are works that are of interest but that do not meet the criteria for inclusion in the central study.

The two most prevalent ways studies that were excluded missed meeting the screening standards were 1) that they were not investigations of the practice of police diversion and 2) that they addressed the issues but were either insufficiently systematic or too qualitative to be classed as diversion evaluations. This chapter draws on some of these works in an abbreviated fashion to set the stage for the broadened view in succeeding chapters. It also extracts observations from some of the studies presented more systematically earlier, so as not to omit portions of those documents not easily captured in the analytic grids.

One of the early studies of police diversion was completed by Goldman in 1950.[1] This endeavor is among many which report a high incidence of police disposition of arrest through means other than referral to juvenile court or some other criminal justice agency. Of the 1,083 individuals reported in that publication, 696 (64%) were released by police.[2] There were offense groups within which all or nearly all juveniles arrested were referred to court (e.g., robbery and larceny of a motor vehicle) whereas other arrest categories accounted for no or nearly no referrals (trespassing and gambling). In contrast to many more recent reports, very few police contact records were on "status" offenses (only 42 of the 1,236 total arrests were for "Incorrigible-Delinquent" and 40 for "Runaway").[3] Goldman also documents tremendous differences in juvenile arrest rates and in rates of referral to juvenile court in the 4 Pennsylvania cities he observed. Court referral rates per 1,000 children between 12 and 17 ranged from 17.1 (in the largest city) to 4.1 (in the second smallest city). Arrests ranged from 49.7 to 12.4 per 1,000 population age 10-17.[4]

Goldman is very careful to point out that the officer interview data in his study "are in no way to be construed as statements of how police, on the average, operate." He proceeds to note shortly thereafter that his interviewees attributed certain negative traits to fellow officers but never to themselves.[5] "ADAPT?" interview data were not consistent with this finding.

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[1] Goldman, N., *The Differential Selection of Juvenile Offenders for Court Appearance*. New York: National Council on Crime and Delinquency, 1963.
[2] *Ibid.*, p. 35.
[3] *Ibid.*, p. 38.
[4] *Ibid.*, p. 86.
[5] *Ibid.*, pp. 101, 107.

A similar study which has received much attention is that by Gold.[6] That work scrutinizes 847 teenagers the authors state "represent all Americans 13 to 16 years old." The focus of this large undertaking is different from the section therein "ADAPT?" staff looked at most carefully, in all fairness to the writers. However, the work is of potentially great significance in that it purports to lend light to the question of whether any police reactions at apprehension have a deterrent effect. Most spectacularly stated, the conclusion is "The consequences of getting caught are contrary to societal interest."

That conclusion is based on, at most, 35 pairs of juveniles, allegedly matched on 3 background factors (sex, age, prior record). The data reported were of marginal statistical significance at best. This work cannot be overlooked in discussing diversion, though, because it makes rash claims and has been cited by many responsible people as definitive.

Several publications make categorical statements about police diversion and its opposite and their effects in the course of discussions of related topics.[7] These offerings will be taken very warily by alert readers.

Many fascinating studies of police[8] never really delve into this central topic (diversion). Other obscure works make trenchant comments on the variables contributing to success or failure of such attempts.[9] The police literature treats police discretion (including, presumably, diversion) almost tenderly in places[10] and in others appears to be set on eradicating it, especially at the officer level,[11] sometimes amidst ensuing ambivalence about such a strong position.[12] Some writers call for open recognition of police discretion rather than taking refuge in "the myth of a mandate of full enforcement."[13]

The next two chapters draw heavily on these and several other works, shifting from a systematic perspective — underlying the later portions of Chapter C — to heavy emphasis on "ADAPT?" staff observations and conclusions.

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[6] Gold, M., *Delinquent Behavior in an American City*. Belmont, California: Brooks/Cole Publishing Company, 1970. Also see Haney, B. and M. Gold, "The Juvenile Delinquent Nobody Knows," *Psychology Today* 7:49-52, 55 (September 1973).

[7] *Struggle for Justice*. New York: Hill and Wang, 1971, pp. 171, passim and Miller, F. W., R. O. Dawson, G. E. Dix, and R. I. Parnas, *The Police Function*. Mineola, New York: The Foundation Press Inc., 1971, p. 13.

[8] Like Rubinstein, J., *City Police*. New York: Farrar, Straus, and Giroux, 1973 and Skolnick, J. H., *Justice Without Trial*. New York: John Wiley and Sons, Inc., 1966.

[9] Disler, D. S., "Disciplinary Decision-Making at Berkeley High School as it Affects Relations between the School and Local Police and Probation Departments," Berkeley: University of California, School of Law, April 1972 (unpublished), p. 26.

[10] Miller, Dawson, Dix, and Parnas, *op. cit., p. 57.*

[11] National Advisory Commission on Criminal Justice Standards and Goals, *Police*. Washington: United States Government Printing Office, 1973, p. 24.

[12] *Ibid.*, pp. 24, 81, 82.

[13] Miller, Dawson, Dix, and Parnas, *op. cit.*, p. 68.

## CHAPTER E

## POLICY IMPLICATIONS IN POLICE DIVERSION RESEARCH

There are some interesting differences of view in the group of studies this project reviewed. Mention of several is instructive. The discussion begins with a minimally structured analysis of implications, draws in the policy indications from the grid applications thereafter, and closes this chapter with a summary of policy suggestions.

This review shares with portions of Chapter C the characteristic of a loose footing in research rigor. Policy is not readily subjected to quantitative analyses and this feature is magnified when one comes to select among competing suggestions for inclusion in a set of recommendations. Thus, a cautionary note is sounded; this chapter emanates from a selective process which was applied systematically only to the 22 studies that are at the heart of this project. Those studies yielded minimal policy suggestions and the other policy observations herein are chosen from a far less systematic literature in a manner which readily suffers before charges of possible bias.

This chapter partially opens the selection process to view, in that it outlines some recommendations from studies which "ADAPT?" staff do not support. This will help the reader decide for himself what the literature says. There are not, of course, enough inclusions herein to anything like cover the discretion literature's content.

### General Discretion Literature

Generally, the movement toward introduction of alcohol detoxification units has been lauded as a humane way to forestall the negative effects of criminal justice processing. The descriptions of these studies tend toward elongated commentary cataloging the ills of both the client and the criminal justice system. At least one study reports, however, that the criminal justice system treats its target population so leniently that there is difficulty in recruiting subjects. The conclusion:

> Therefore, as long as the criminal justice system itself fails to impose significant punishment upon alcoholics refusing to make an effort to change their own behavior, projects like the New Haven one will be operating under a significant limitation upon their potential effectiveness.[1]

This project is extreme in that it suggests taking drug sentencing procedures as a guide to appropriate handling of alcoholics![2]

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[1]Muller, B. P., "Evaluation of the Operational Phase (February-August, 1973) of the First Year of the Multi-Site Counsellor Rehabilitation Program for Alcoholic Offenders, New Haven, Connecticut," New Haven: Southern Connecticut State College, November 1973, (unpublished report), p. 49.

[2]*Ibid*, p. 51.

Another problem reported by various programs attempting to secure police (as opposed to client) cooperation in diverting is mirrored in the New Haven summary. Several projects observe they have enjoyed excellent police relations. Those that have been frustrated in this regard often saddle their lack of power in relationship to the police with responsibility and seek ways to secure referrals through other ploys. Law Enforcement Assistance Administration funding is a frequent avenue suggested.[3] Sometimes the idea is to withhold funds; sometimes it is to make more resources available. Alternately, impacting local budget review processes surfaces as a hopeful course of action.

Assessment/evaluation is a tricky business.[4] A fresh side to this problem appeared in this study. There are reports in this police diversion literature that do a very nice job of presentation, a happy circumstance unless the facts behind the presentation are insufficient. There are studies, as well, which speak of fine police cooperation and other accomplishments but which other literature describes rather differently.[5]

This addresses the care with which evaluations need to be performed. The issue of who best performs evaluations takes many sides. One of these has to do with whether evaluation is most effective when performed by intra-agency or by extra-agency resources. There are indications that intra-agency staff researchers have functioned relatively well[6] and that outside consultants have their own debilities, despite the objectivity they may bring to the task.[7]

Project scrutiny of the police arrest discretion evaluation literature has revealed that most of the extant work has been performed by police department staffs. The most analytically careful work, in our judgment, has been performed by private contractors (as opposed to university or intra-police agency functionaries). There is no inflexibility intended in this general statement, though, for perceptive works have been found in several domains. Apparently there is no incontrovertible evidence that any particular source of assessment is superior in every way.

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[3]E.g., *ibid.*, p. 50.

[4]For comments on the vagaries of research evaluation in corrections see: Neithercutt, M. G. and D. M. Gottfredson, "Case Load Size Variation and Difference in Probation/Parole Performance," Davis, California: National Council on Crime and Delinquency Research Center, February 1973 (commissioned paper distributed by Federal Judicial Center, Washington, D.C.) and Adams, W. P., P. M. Chandler, and M. G. Neithercutt, "The San Francisco Project: A Critique," *Federal Probation* XXXV:45-53 (December 1971), reprinted in Smith, M. A., *As a Matter of Fact. . . An Introduction to Federal Probation*. Washington: The Federal Judicial Center, 1973, pp. M-1—M-9.

[5]See Nimmer, R., "The Public Drunk: Formalizing the Police Role as a Social Agency," *Georgetown Law Journal* 58:1089-1115 (1969-70), at p. 1090. A recent reference to the evaluation researcher as performing a "juggling routine" catches a part of the spirit here. Reed, J. A., "Program Evaluation Research," *Federal Probation* XXXVIII:37-42 (March 1974), at p. 39.

[6]Adams, S., "Evaluative Research in Corrections: Status and Prospects," *Federal Probation* XXXVIII:14-21 (March 1974), at p. 19.

[7]Lobenthal J. S., Jr., "Designing Research in Corrections: An Abbreviated Tour Guide," *Federal Probation* XXXVIII:29-36 (March 1974), at pp. 31-32.

It may be that the question of how evaluation research is best performed does not have a structural answer, any more than that programs which "work" are describable *in organization charts, staffing patterns,* budgets, and sociograms. As Amos[8] has observed: "From my experience, the one identifiable factor that has made a particular program successful has been the unique personality of the particular person who has provided leadership for the program."

Though the researchers in project readership will shudder at the thought, an admixture of goals may be the culprit here. Martinson speaks[9] (with disdain characteristic in the literature) of "policy effects" versus "treatment effects." Many research projects have resulted in program changes before the research facts were in. This makes evaluation very difficult; the thing being evaluated is too fluid to be observed.

Nimmer[10] cites several cases where official policy statements issued by police administrators to their personnel were ignored. Since these references are directed to attempts at implementation of diversion approaches, this implies such programs would do well to include mechanisms for assuring that plans have been operationalized and that the undertakings are functioning as designed. Stated differently, often what is reported to have happened and what transpired are exceedingly dissimilar. No wonder replication is so difficult!

Numerous studies, like that above, recount failures by police to use resources for diversion, both in specially conceived diversion programs and in the general community. This suggests a strong need to plan diversion approaches in such a way that they include a "debugging" (pilot) initial phase and encourage police use from several vantage points. At a minimum it is suggested that the projects be: 1) physically easily accessible (located close to where the police are, in quarters which do not require gargantuan efforts to enter), 2) as nearly bereft as possible of required paper work, 3) the least time consuming of alternatives available to officers, 4) open at the times police need them, 5) physically attractive to visit (though not "plush," as many officers do not like any suggestion of "mollycoddling"), 6) obviously available (police have to know: the resource exists,[11] where it is located, that it takes minimal time to use, what cases it will not serve, when it is open, what procedures accompany its use, that it is a legal alternative, and that the hierarchy within the department approve and encourage use of it), 7) within the

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[8]Amos, W. E., "The Philosophy of Corrections. Revisited," *Federal Probation* XXXVIII: 43-46 (March 1974), at p. 45. A very similar observation comes from writings on schizophrenia; Feinsilver, D. B. and J. G. Gunderson, "Psychotherapy for Schizophrenics—Is it Indicated? A Review of the Relevant Literature," *Schizophrenia Bulletin* 6:11-23 (Fall 1972), at p. 17.

[9]Martinson, R., "What Works?—Questions and Answers about Prison Reform," *The Public Interest* 35:22-54 (Spring 1974), at p. 45.

[10]Nimmer, *op. cit.*, passim.

[11]Los Angeles Sub-Regional Advisory Board, "Police Processing of Juvenile Offenders: Toward the Development of Juvenile System Rates," October 26, 1970 (mimeo), p. 12.

scope of police power to use, 8) in a known location, and 9) in communication with referral sources.[12]

Much of the diversion-related literature addresses the question of how persons in need of services can be assured of receiving them. The contrasting element — how can people be insulated from improper police encroachment on freedom — appears, too. Some authors assert that there is no lack of desire to help in communities but that public agencies work in such a way that only cases that are atypical receive the services they need to avoid further legal entanglements. From this comes the observation and recommendation that formal diversion mechanisms be established to systematize what heretofore were essentially informal processes and give greater assurance that needed services will be received.[13]

Another conclusion emerges from the finding that police officers apparently can learn and use an entirely different approach to arrest-potential situations while their measured attitudes remain stable.[14] This at least suggests that elaborate schemes to assure that police will "believe in" a new diversion program may be wasteful. Other models for legitimizing changes in practice include the idea that the different approach, rather than being "right", is innovative, experimental, less expensive, and/or more accessible. Experimentation with models other than the authoritarian approach to program change could prove worthwhile.

This is not to say that diversion programs can be offensive to police and survive. A look at how great is the range of reported use of diversion by police[15] convinces that the acceptability dimension vies for attention. As one author puts it: "The supposed merits of diversion have not been well documented to the police officer who is taught that an offender on the streets is an inherent danger."[16] It is doubtful these officers will be persuaded by a statement like: ". . . a good deal of di-

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[12]Stratton, J. G., *Effects of Crisis Intervention Counseling on First or Second Time 601 or Misdemeanor 602 Juvenile Offenders*. Los Angeles: University of Southern California, January 1974 (unpublished dissertation), p. 36.

[13]*Models for Delinquency Diversion*. Athens: Corrections Division, Institute of Government, University of Georgia, October 1971, p. 8
Feeney points out that a citation system can lead to greater official ingress to peoples' lives in cases where a "reprimand and release" disposition would be made otherwise. When this happens in the juvenile area (at least in California) the police have abdicated discretion to the probation department (with sizeable cost-shifting—and other—implications). Feeney, F., untitled draft of study of use of diversion procedures in selected California counties. Davis, California: University of California Center on Administration of Criminal Justice, undated, p. 44.

[14]Bard, M., J. Zacker, and E. Rutter, *Police Family Crisis Intervention and Conflict Management: An Action Research Analysis*. Washington: Law Enforcement Assistance Administration, April 1972, p. 3.

[15]E.g., Bordua, D. J., "Recent Trends: Deviant Behavior and Social Control," *The Annals of the American Academy of Political and Social Sciences* 36:149-163 (1967), reports a 9% to 80% differential across 13 communities.

[16]Klein, M. W., "On the Front End of the Juvenile Justice System," Los Angeles: University of Southern California (unpublished paper prepared for Pacific Sociological Association meeting, Houston, April 8, 1971), p. 5.

version of juvenile offenders away from the formal agencies should be undertaken, at least in the absence of better formal control procedures than have been introduced to date,"[17] however. Alas, many students of diversion appear to believe that is the strongest recommendation of use of diversion that findings to date support.

That diversion is seen by some as unacceptable is patent.[18] This has implications in its own right.

The need exists not only to achieve acceptability but to retain it. More than one author cites projects which encountered police disenchantment with referral agencies as time passed.[19] In the cited case the officers turned to use of their own "mediative skills;" in others, though, increased criminal justice system penetration can be the result of this despair.

Time and again studies were encountered which foundered on the assumption that they could "get by" using police and other existing records. This seems especially problematic with juvenile data[20] but in every study instance a long, hard look at existing data sources should be taken before the decision is made not to develop a data base tailored to diversion assessment needs. The extent of this quandary is not bounded by criminal justice data system[21] perimeters, either.

There is a great deal of general support for an amorphous concept labeled "diversion." Much is said about how "bad" criminal justice system penetration is and how preferable "anything else" (apparently) is. It, therefore, seems wise to note, with Stratton,[22] that to divert just to say one has kept a person out of "the system" may only be a

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[17]Los Angeles Sub-Regional Advisory Board, *op. cit.*, p. 4. The presence of "disappointing" findings is problematic, also. See: *Social Agency Referral, Evaluation: January 1972-June 1973*. Seattle: Seattle Police Department, 1973, pp. 10-11.

[18]"I believe the only way that you control crime and deter criminal activity is to apprehend and prosecute people." Words attributed to U. S. Attorney General W. B. Saxbe in "Saxbe Follows a Hard Line," *California Correctional News* 28:12 (June 1974).

[19]See Parnas, R., "Police Discretion and Diversion of Incidents of Intra-Family Violence," *Law and Contemporary Problems* 36:539-565 (Autumn 1971), p. 553.

[20]Monohan, T. P., "National Data on Police Dispositions of Juvenile Offenders, *Police* 14:36-45 (1969-70), p. 45; Lincoln, S. B., "Juvenile Diversion, Referral, and Recidivism," Los Angeles: University of Southern California (unpublished paper prepared for Society for the Study of Social Problems, New York, August 24, 1973), p. 7; Bullington, B., J. G. Munns, G. Geis, and J. Rarrer, "Concerning Heroin Use and Official Records," *American Journal of Public Health* 59:1887-1893 (October 1969); and Chambliss, W. J. and R. H. Nagasawa, "On the Validity of Official Statistics. A Comparative Study of White, Black, and Japanese High School Boys," *Journal of Research in Crime and* Delinquency 6:71-77 (1969).

[21]That special problems exist with police data has been established for years. See Pollak, O., *The Criminality of Women*. Philadelphia: University of Pennsylvania Press, 1950; Sellin, T., *Research Memorandum on Crime in the Depression*. New York: Social Science Research Council, 1937, p. 69; several articles in the June/July 1972 issue of *Justice Magazine*, including, Morrissey, W. R., "Nixon Anti-Crime Plan Undermines Crime Statistics," *Justice Magazine* 1:8ff (June/July 1972); Robison, S. M., "A Critical View of the Uniform Crime Reports," *Michigan Law Review* 64:1036 (1966); and Black, D. J., "Production of Crime Rates," *American Sociological Review* 35:738ff (1970).

[22]Stratton, *op. cit.*, p. 84.

delaying technique, unless something is learned about the long range effects of diversion programs.

No systematic studies of the effects of geographic location on diversion program effectiveness have surfaced. Perhaps this is a refinement that will come in time, bearing in mind that diversion studies are just beginning to come into their own. There is good reason to believe that the city in which one locates a program can have much to do with the arrest rates to which that program's participants will be subjected. Suburban arrest rates are far lower than are urban, and minority groups apparently are differentially susceptible to arrest from city to city.[23]

There is little care to classify alleged offenders in the studies of diversion. Occassionally a program report will reel off statistic after statistic about age, race, income level, and so on. Almost never does the study document that these items are relevant to description of the target population, particularly where "success" criteria are concerned. Much evidence exists to counter persuasive beliefs about the relevance of background factors to program outcome variables. For example, Breslow reports that income, once the "inadequate" level is passed, is almost unrelated to public health levels, "which is not exactly what a lot of people in this country believe." This accompanies the belief that "good programs work" — for everybody — without acknowledging that, even in the most sacred area of "help," some medical care is good for health, some bad, and much irrelevant.[24] The truth of the matter probably is rather complex; Buckhuisen *et al*[25] report that some types of delinquency are age-linked (theft, aggression against property, less serious traffic offenses) whereas others are not (use of narcotics and, to some extent, sex offenses and drunken driving).

It may be that the demands placed on diversion programs are too great. This can lead to disillusionment with endeavors that have sufficient merit to be supported. Police functionaires are not accustomed to looking at program effectiveness beyond a limited set of criteria (e.g., clearance rates). Murphy's[26] observation that the American people simply expect more reduction and control of crime than their police can produce is a hint. It is possible that diversion efforts will take police into the frustrating "treatment" arena that has led to such disconsolate deductions as those of Martinson.[27]

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[23]See Robinson, C. D., "Trav ing the Buck Down — A Look at the Political Role of the Police in Society," mimeo expansion of lecture given before a class of doctoral students, Department of Criminology, University of Montreal, undated, p. 2 and Bell, P. B., M. Matthews, and W. S. Fulton, *A Future for Correctional Rehabilitation?* Olympia, Washington: Coordinating Council for Occupational Education, Division of Vocational Rehabilitation, November 1969, p. 88.

[24]"A Conversation with Dr. Lester Breslow," *Healthnews* 1:3 (January 1974).

[25]Buckhuisen, W. R., W. Jongman, and W. Oring, *"Unrecorded* Delinquency Among Students (Ongeregistreerde Criminalileit Order Studenten)," *Ned J. Criminal.* 11:69-89, (June 11, 1969).

[26]"Murphy Calls for New Study of Patrol Functions," *the hot line* VI:11 (May-June 1974).

[27]Martinson, *op. cit.*, pp. 22-54 and Lipton, D. S., R. Martinson, and J. Wilks, *Effectiveness of Correctional Treatment: A Survey of Treatment Evaluations.* New York: State Office of Crime Control Planning, 1970.

This same vein calls to the fore an equally disquieting possibility. There is a cry for "professionalism"[28] in police ranks. Lest this watchword become an obituary heading, there needs to be much thought given to how much credence diversion administrative structures give it. There is a great deal of evidence that professional training is not only not a cure-all, it may be a detriment to effective pursuit of stated program goals[29] and to recognition of attainment of these.[30]

A special problem arises in the instance where innovations are tested and found useful — but not implemented or continued. This dilemma may be even more pervasive here in that police may need special incentives created by management because the public is not dependable as a knowledgeable and rewarding consumer of services.[31] It would seem, at the very least, that police organizations take a chance when they initiate programs. That does not mean that there should be stagnation from fear of change; it does mean that not everything about "the chief's new baby" will be positive. Steps may need to be taken to accommodate the new approach among existing arrangements, if it works, and to envelope it in supportive surroundings if it is to have a fair test. It also means that the administrative style which enfolds every different idea that appears can be as oppressive as a "no" answer to every suggestion. This observation is not popular today, though. There seems to be much reticence, and even embarrassment, about the fact that diversion exists. Yet, as people came to realize that police are more and more in the "service business,"[32] its extension will be a natural consequence. Continuing to omit recognition of police tasks as other than leading to "something better"[33] cannot but be dysfunctional. Guilt and discomfort about use of diversion is not seen as serviceable, either.

The expansion of police diversion has implications for the security feelings[34] people derive from the "police presence." "ADAPT?" interviews elicited law enforcement comments about "those guys [arrestees] being back on the streets before we are"; it is unrealistic to think that the citizenry will not react with apprehension to such a phenomenon. Project Staff encountered neither a solution to this dilemma nor any concerted efforts to implement and test techniques to deal with it. To omit consideration of this facet of diversion can spell doom to otherwise

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[28]Bard, M., "Alternatives to Traditional Law Enforcement," *Police* 15:20-23 (November-December 1970), at p. 22.

[29]"Social Responsibility Study," *behavior today* 4:1 (11-12-73).

[30]Ryan, V. L. and M. N. Gizynski, "Behavior Therapy in Retrospect: Patients' Feelings about their Behavior Therapies," *Mental Health Digest* 3:53-57 (November 1971), p. 54.

[31]Bard, Zacker, and Rutters, *op. cit., p. 171.*

[32]Some estimate that 80% to 90% of police man-hours are expended on "a vast array of helping functions." Bard, M., "Immediacy and Authority in Crisis Management." (unpublished paper presented at NIMH Crisis Intervention Seminar, Washington, D.C., June 22-24, 1973), p. 6.

[33]*Ibid.*, pp. 6, 8.

[34]*Ibid.*, p. 8.

laudatory undertakings. That people can feel safer even when crime is rising[35] suggests these efforts have a chance to succeed.

A related quandary is the "service delivery lag" phenomenon.[36] There is evidence that diversion without timely follow-up accompanies increased new offending.[37] Apparently that issue has not been addressed systematically, and it needs to be.

The increased use (officially) of diversion programs has implications for the organizational unity of a police department, as well. Diversion units, like other special mechanisms, can lead to friction among police peers.[38] No pervasive use of safeguards against this possibility and no evidence that possible solutions are being researched have been encountered.

The question of just how to find out what the effects of diversion are remains open. Mental health research tells that patients are better judges of psychotherapeutic progress than their therapists.[39] The effort to predict police performance levels has a number of strides yet to take;[40] the most informed statement to be made about what the elements in police disposition are looks something like (in our opinion): "Weighing all the factors to come up with the most constructive disposition is a difficult and subtle matter of judgement."[41] And, it is possible that some programs that do work are overlooked because current research is incapable of saying so.[42] These observations, bearing in mind how fickle is attention to police concerns[43] and how diverse are law enforcement clients,[44] not to mention the complexity of society's problems,[45] give hints as to how soon closure may be expected on the subject.

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[35] *Ibid.*

[36] *A New Model for Inter-professional Cooperation: A University Demonstration Project in Manpower and Development.* Chicago: Police-Social Service Project, 1973.

[37] Feeney, *op. cit.*, p. 87.

[38] Bard, M., "Family Intervention Police Teams as a Community Mental Health Resource," *Journal of Criminal Law, Criminology, and Po. ce Science 60:247-250* (1969), at p. 249.

[39] Horenstein, D., B. K. Houston, and D. S. Holmes, "Clients', Theapists', and Judges' Evaluations of Psycotherapy," *Mental Health Digest* 5:44-46 (June 1973).

[40] See, for example, Cohen, B. and J. M. Chaiken, *Police Background Characteristics and Performances: Summary.* New York: The New York City Rand Institute, May 1972.

[41] Gold, M., *Delinquent Behavior in an American City.* Belmont, California: Brooks/Cole Publishing Company, 1970, p. 104.

[42] Martinson, *op. cit.*, p. 49.
When a police agency suddenly starts detaining all juveniles in a given class — like all those who deny the offense allegations — the system impacts are evident (Feeney, *op. cit.*, p. 66). Such gross gauges will not meet the need here, however.

[43] The terms "crime," "police," and "law enforcement" do not appear in the subject index of the 1960 Presidential campaign speeches of John Kennedy or Richard Nixon. Saunders, C. B., *Upgrading the American Police: Education and Training for Better Law Enforcement.* Washington: Brookings Institution, 1970, p. 2.

[44] See "Headlines in the news: Ford fine $7 million," Davis, California: *The Daily Democrat,* February 13, 1973, p. 1 for mention of an unusually prestigious offender.

[45] Mullins, D., "Government to Blame?" Davis, California: *The California Aggie* 82:4, November 29, 1973 notes that we have just about $55 billion in the most extensive highway system in history and are now telling ourselves not to use it.

Since there is some danger that a rush to "get to the bottom of this" (diversion effectiveness question) will forestall comprehensive analysis, it seems prudent to heed some of Goldstein's remarks. He points out that police decisions about invoking the criminal justice process may further some objectives of the criminal justice system, hinder others, and, at times, run counter to all. Meaningful appraisal of diversion options needs to include evaluation of their impact throughout the justice process, both on sanctioning objectives and on the decisions of others through the balance of the segments of the criminal justice system.[46]

There seems to be little argument that the police account for most existing diversion away from the criminal justice system. As the offender penetrates that system he meets more and more officials with fewer and fewer options.[47] The finding that far more crimes are committed than end in arrest[48] only partially accounts for the fact that law enforcement personnel are seldom afforded the opportunity to seek long-term solutions to clients' problems.[49] Also, police receive very little feedback (and that tends to be distorted) on the ameliorative tacks they take. For diversion programs to omit keeping the officers using them informed of their progress will be costly.

No reason is evident to think the police will discontinue their role as targets for critics;[50] this suggests the unfortunate possibility that as people increasingly come to support diversion[51] they may neglect the special knowledge police have acquired over the years.[52] This may contribute, as well, to a damping of cries from other social service system functionaries about the dangers of use of non-criminal justice alternatives. A random example of such a plea is Bryant's:

> I do not say that diversion is undesirable. I do say there are inherent dangers if we ask physicians to do things for which they are untrained, and for which their system has few built-in safeguards against potential abuses. It is no secret that the protection of indi-

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[46]Goldstein, J., "Police Discretion Not to Invoke the Criminal Process: Low-Visibility Decisions in the Administration of Justice," in Cole, G. F., *Criminal Justice: Law and Politics*. Belmont, California: Duxbury Press, 1972, p. 60.

[47]Cressey, D. R. and R. A. McDermott, *Diversion from the Juvenile Justice System*. Ann Arbor: National Assessment of Juvenile Corrections, University of Michigan, June 1973, pp. viii and 4.

[48]Porterfield, A. L., *Youth in Trouble*. Fort Worth: Leo Potishman Foundation, 1946 and Wallerstein, J. S. and C. J. Wyle, "Our Law-abiding Lawbreakers," *Probation* (April 1947), for example.

[49]Elliott, J. F., *The "New" Police*. Springfield, Illinois: Charles C. Thomas, 1973, p. 44.

[50]A typical salvo as fired by Chevigny lately in regard to police competence. See: Chevigny, P., "Memo to Patrick Gray: Here's a Book That Could Have Helped," *Juris Doctor* 4:24 (March 1974). Casper notes that police are "believed to be quite willing to lie" to secure convictions. Casper, J. D., *American Criminal Justice*. Englewood Cliffs: Prentice-Hall, Inc., 1972, p. 35.

[51]Klapmuts, N., "Community Alternatives to Prison," *Crime and Delinquency Literature* 5:305-337 (June 1973), p. 337.

[52]Cooley, W. J., "From Chicago, With Mistakes," *Juris Doctor* 4:22-23 (March 1974), at p. 22, gives a particularly interesting example of a portion of this repertoire having to do with use of tear gas in a ghetto at night.

vidual rights and freedoms, carefully delineated in the administration of criminal justice, are [sic] not so clearly provided in the provision of health care."[53]

This detailed scrutiny may be the progenitor of other far more pervasive considerations. One student[54] of juvenile diversion suggests that some actions of parents and children now defined as unfitness or delinquency are inevitable problems of life. She follows Lemert[55] in his call to define these as family, educational or welfare problems to facilitate community absorption or specialized intervention. This carries with it both positive and negative implications for the evaluation of diversion as a mechanism, especially where there is the danger that its merits may be clouded by feelings that have no necessary relationship to it.

**Core Studies**

The 22 police diversion evaluation studies[56] which form the core of the "ADAPT?" literature assessment were systematically dissected, as described in Chapter C. Attention now turns to the policy implications in those, looking at the policy decisions addressed which were supported by findings.

There is much reiteration of the notion that the police task is complex and far more expansive than is consonant with reasonably expectable police skills. In specific instances, the resources of such persons as social workers[57] are described as valuable adjuncts to the usual police repertoire. There appears to be little doubt that cooperative endeavors between police and other community servants are now, and can be more, valuable to the society. An obvious effect of this — one which can be overlooked easily — is that this skills pooling will reduce the isolation of police.[58]

The worth of trying arrest-alternates is repeated throughout these studies. This is tempered by the need for planning and timely communication of plans.[59] These mentions frequently are fostered by their referents' omission. Several projects detail how planning ahead would have forestalled multiple hurts and losses; this represents the first of three approaches to the planning subject.

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[53]Bryant, T. E., "Statement of Thomas E. Bryant, M. D., President, The Drug Abuse Council, Inc. at the meeting of Directors of Criminal Justice Research Centers," Cambridge: Harvard University Law School, May 5-6, 1974, p. 11.

[54]Duxbury, E., *Evaluation of Youth Service Bureaus*. Sacramento: Department of the Youth Authority, November 1973, p. 15.

[55]Lemert, E. M., *Instead of Court: Diversion in Juvenile Justice*. Chevy Chase: National Institute of Mental Health, Center for Studies of Crime and Delinquency, 1971.

[56]The reader will not want to treat this small number too lightly. These 22 studies involve more than 40 police departments.

[57]Police-Social Service Project, *A New Model for Interprofessional Cooperation: A University Demonstration Project in Manpower Training and Development*. Note that the full citations to these core studies appear in the Appendix.

[58]Rubinstein, J., *City Police*. New York: Farrar, Straus, and Giroux, 1973 refers to this phenomenon repeatedly.

[59]Sacramento Police Department, "Police Based Diversion of Selected Adult Drug Offenders Project."

The second, less direct, approach is a catalog of program modifications which forethought would have averted. Other projects looked back after it was too late to list losses incurred because foresight was inadequate and recognition of errors as they occurred was absent, as was, of course, rectification of the errors.

This need for planning ahead seems especially critical in the assessment/evaluation area. Many projects were omitted from this review because they went to completion without any idea of their performance efficiency. Others come to mid-stream before they became cognizant of the need to evaluate and started too late to introspect.

The range of completeness and sophistication is great in these 22 studies. The least detailed are post hoc, and only a few look at policy questions with any care. From some, policy implications are easy to extract, however. For example, even from a brief memo[60] one can see a group of persons have been identified who no longer can be considered likely to respond favorably to diversion (in this case, delinquents arrested more than four times). Also, though the rate[61] probably will vary, it can be seen that sizable proportions of contacts can be "handled within the department," forestalling further criminal justice system penetration; this seems safe to deduct without an impressive research design.

Though it appears that diversion can be used as a device to cut system penetration, the long range effects of this are not sufficiently addressed in these studies. Clearly diversion programs can be implemented; however, they likely will vary from police department to police department and among divisions in a single department. These programs can effect both probation workload and performance[62] and this statement applies to every other criminal justice segment.

That other agencies besides police can work together and with the police to keep people out of the criminal justice system is beyond question. There are disturbing corollaries, though. In the few instances where careful evaluations of the effects of police diversion on penetration were found,[63] there is clear evidence that use of the diversion resource accounts for only part of the reduced system penetration. Also, the reduction levels fluctuate across types of offenders; some persons may be more liable to arrest while others become less so when the diversion alternative is initiated. There is no clear pattern of increased or decreased rates of diversion where Youth Service Systems, for example, exist in different cities. There are suggestions that females and less serious offenders are more easilly diverted; the findings are not consistent even on this. To this classification problem must be added the

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[60]Davis Police Department, *Report of the Davis Police Department Youth Service Division: Follow-Up.*

[61]fifty percent, in this case; *ibid.*

[62]Richmond Police Department, *Preliminary Analysis of Diversion Evaluation* and Behavioral Research and Evaluation Corporation, *National Evaluation of Youth Service Systems...*

[63]*Ibid.*

observation that sometimes divertees and sometimes those processed by criminal justice perform better on follow-up.[64]

One study[65] evidently is unique in its address of the remaining issue. Harking back to the "plan ahead" observations above, there are occasions when problems arise that probably were invited by project design. Instability in financial areas is a special class of these. It seems worth specific mention that unresolved funding questions spell trouble for diversion attempts.

This encourages a summation of what appear to be the general needs in planning if a program is to succeed. Repeatedly projects are praised largely because they adapted to their surroundings, both as these environs were 1) originally perceived and as they 2) changed during the course of the program. This indicates that planning is not so much a process involving good predictive skills as it is a matter of: 1) having a specific scheme which looks workable at the outset, 2) having a system for gaining continuing feedback on relevant community conditions, including program impacts, and 3) utilizing a mechanism for changing the original approach as new data show that to be advisable.

There are rather strong indications that, at least juvenile, diversion can be used more than is the case presently.[66] The large gap between police referrals and juvenile probation department filings appears a clear index to this.

Particularly in the problem drinking area there are suggestions that services need to be provided to the "pre-diversion" client, that person who is not yet subject to arrest but is believed headed in that direction.[67] This contrasts with recognition that new clients may mean strain on already inadequate resources to the neglect of more deteriorated clients.

At least one study in this group sets out as a policy implication the need to detain only where necessary, to avoid stigmatization;[68] several other writings imply this, both within the core study group and without.[69] This theme underlies diversion studies.

Another consistent assumption is that of cost reduction. There is insufficient address of the cost and cost-effectiveness implications of diversion usage for support of a definitive policy deduction in this area. Suffice it to say that increased use of diversion may not mean cost reductions, even when they appear to have occurred.[70]

As stated before, the core studies do not concentrate heavily on policy implications. It is instructive to note the policy decisions they address but do not supply findings to support, however. Many of them

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[64]Bellgardens Police Department, *Youth Service Center Evaluation* and *ibid.*, respectively.
[65]American Justice Institute, *Pre-Delinquent Diversion Project—Santa Clara County.*
[66]*Ibid.*
[67]Muller, *op. cit.*
[68]Klein, "Labeling and Recidivism. A Study of Police Dispositions of Juvenile Offenders."
[69]An example of the latter is Gold, *op. cit.*, p. 108.
[70]See *St. Louis Detoxification and Diagnostic Evaluation Center* for indication that such a reported cost reduction was really only "on paper."

want to show that there are needs for: 1) more emphasis on prevention, 2) better school records on behavior, 3) development of diversion selection criteria, 4) purchase-of-service schemes for moving police savings to community alternate resources,[71] 5) documentation that youths counseled by a police youth services division will have lower recidivism rates than comparables processed as usual,[72] 6) substantiating the belief that juvenile bureau social work services, community education, and consultation on drug problems, and police assistance to community groups and their client drug-troubled youth are useful to those youth,[73] 7) determination of whether police surgeons are proper referrers of the mentally disturbed to jail settings,[74] 8) persons other than police to do diversion screening, 9) other alternates than simply to a drug free environment for addicts,[75] 10) use of "affective-experiential training" of police which will generalize to improved total job performance,[76] 11) use of mental health professionals instead of police in family dispute interventions,[77] and 12) a great deal of empirical work before any policy decisions are made.[78]

Our sense of these studies suggests other policy considerations, though the core programs do not document these observations.

1. It may be wise for police not to run diversion projects, in part because such projects may function better when police and non-police referrals are accepted side-by-side. Another possibility here is for several police departments to share the same diversion program.

2. Personal follow-up by police officers on results of their diversion referrals would benefit both clients and law enforcement.

3. It is wise to assure that diversion does not lead to more persons being seen as "in need" of official intervention in their lives.

4. Most of the diversion evaluations found center on youth. The need to know of diversion effects on adults is great.

5. The same thing is true of a focus on less serious crimes. The studies at hand almost do not address the results of diverting persons involved in serious crimes.

**Summary of Policy Findings**

This abstract of policy implications ties together the preceding pages of Chapter E. The listing is for quick reference purposes. It will not stand alone and it does not imply importance on the basis of order of mention.

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[71]Cook, *Delinquency Prevention Through Diversion to Community Resources.*
[72]*Sacramento Police Department Youth Services Division Project Evaluation.*
[73]Bates, "Second-Year Evaluation of 'Project Culver'."
[74]Schliefer *et al., Clinical Changes in Jail Referred Mental Patients.*
[75]Lacy, Police Foundation Memorandum "Police-Based Diversion; Status of Program Activity."
[76]Zacker and Bard, "Effects of Conflict Management Training on Police Performance."
[77]Parnas, *loc. cit.*
[78]Klein, "On the Front End of the Juvenile Justice System."

1. There appear to be various problems in securing clientele for diversion programs.
    a. Some studies say this is a product of a too-lenient approach to crime generally.
    b. Some say it reflects police unwillingness to make referrals or otherwise use diversion.

    *Techniques are needed to assure appropriate use of diversion alternatives.*

    These might encompass use of leverage from discretionary (non-agency) funding, implementation of outside review procedures to assure intended use of budgeted sums, and concerted efforts to show police and the community "what's in it for them."

2. There are very few studies of police diversion that can be accepted at face value.

    *Techniques that enable ready comparisons of various approaches to diversion would be quite helpful.*

    Possibilities here encompass definition of core evaluation elements that each diversion evaluation would include, establishment of a scheme assuring periodic, consistent determinations and summaries of the current "state of the art" in diversion; and a mechanism for detecting and resolving differences in evaluation findings from identical study data.

3. The issue of whether or not diversion evaluations are optimally performed in-house is not readily resolvable.

    *Perhaps diversion alternatives evaluations should be performed by teams of practitioners and researchers.*

    The tacks that could be used here include: in-house evaluation and out-of-house audit; the reverse; evaluation by teams of law enforcement and research personnel working together; and an evaluation review procedure which would foster attachment of alternate (including dissenting) observations to study reports.

4. There is insufficient information in our study to determine how diversion usage needs to be structured. Some of the literature suggests that structure is not a salient variable or, if it is, that it is not the central determinant of success or failure of a given program.

    *Diversion programs need to look at how they function organizationally as well as at how they impact clients.*

    This will require attention to how diverters and diversion evaluators function, as well as to how divertees react.

5. Multiple references in the works studied indicate that one of the reasons one cannot speak to optimal structural considerations is that many of the diversion approaches were described one way

and happened another. Adoption of the previous recommendation will assuage this concern in large measure. To this needs to be appended a slightly different special emphasis.

*Diversion programs require mechanisms for assuring that they are progressing as planned.*

The most direct way of addressing this dilemma seems to be by design of an "audit trail" before each study begins, so that "soundings" can be taken periodically to assure the program is functioning as designed. This is a separate concern from that which has to do with whether desired results are emerging.

6. A large degree of uncertainty about what a program really consists of and of inconsistency in its features over time has surfaced. This renders a long-term evaluation almost impossible; it may be that there is no other way to assure the survival of a diversion program in a changing community, however.

   *Perhaps diversion programs can be subjected to evaluation only on short-term, high intensity bases rather than on longitudinal, continuous bases.*

   This suggests that evaluations of diversion projects may be necessary in bursts rather than over long time spans. A way to do this would be to bring in a team to describe a diversion program in a two week period, taking the referrals during that study portion as a sample for follow-up. This would be repeated quarterly, semi-annually or as necessary over the life of the project. It will require considerable duplication in reports; there may be no better way to detect subtle changes in operation.

7. There appears to be a minimum set of attributes that must exist before a diversion approach will "work".

   *We suggest that diversion programs will falter unless they are physically accessible by the police, are easy to use, require little time to initiate referrals, are open when needed, are patently and obviously available, are "legal," are known to police, and communicate with pertinent police and other agencies.*

8. Two dangers exist simultaneously — citizens are both in danger of being denied diversion services they would profit from and of becoming clients of the police and their successive interventionists when no services are in order.

   *Development of strategies for determining differential effectiveness of programs as they focus on different classes of clients is a precursor of rational application of diversion programs.*

   The type of dynamic balance contemplated here apparently has not been achieved in other intervention areas. That does not deter pinpointing the centrality of this vacuum as an impediment to effective use of arrest-alternate resources.

9. No arrest-alternatives programs have demonstrated their applicability to and acceptance in all police settings. This calls forth the possibility that unusual encouragements for their use are needed.

   *Diversion programs do not have to be "sold" on any single criterion, especially not on the notion that they are the "only way" to meet problems. Varied approaches could be taken to implementing these programs, including "justifying" them on bases sometimes accused of being trivial.*

   If police strategies continue to be evaluated on such unrealistic expectations as that they will stop crime, probably no "effective" programs will be developed. Experimentation with models is needed in an atmosphere where the plaudits appropriate to each will be identified.

10. *Diversion projects require both initial thrusts and periodic reassessments to assure their usage by police.*

11. One problem with assessing the utility of diversion arises from inadequate records. Almost in no case have diversion studies that designed data-gathering components tailored to the questions the programs needed to answer been found.

    *Attempts to use existing police data systems to assess diversion programs will almost surely abort. There appears to be little likelihood of deriving definitive diversion evaluations without implementation of appropriate data-gathering approaches as integral parts of these programs.*

    The cry about "more paper work" will sound once more here. Without records, the task of documentation of effectiveness is impossible of attainment. A spirited and imaginative forms analysis often is all that would be needed to let a diversion program accomplish lessened overall attention to recording; that element is not characteristic of the studies assessed.

12. *Attention to system characteristics, such as the implications of using diversion in a particular geographic setting, is essential.*

13. *There appears to be no empirical reason to believe that increased "professionalism" on the part of police will make diversion more effective.*

14. Changes in approach have the capacity to impact the whole police department. This mandates a thoughtful inclusion of diversion programs in a comprehensive law enforcement scheme.

    *Diversion programs which are demonstrated but not continued take such a toll that their implementation on a short-term basis is not recommended. If there is no commitment to continuing a*

*program which demonstrates its worth, the loss from this discontinuity can far outweigh any short-term gain from the program.*

This means that departments which enter diversion grudgingly are "set up" to suffer morale and other problems when the time for long-term decisions arrives.

15. *It appears both highly likely and desirable that police diversion will be expanded. Needs arising from this require:*

    a. *acceptance of the legitimacy of the diversion enterprise,*
    b. *plans to meet citizen apprehension over this expansion,*
    c. *methods of informing users (e.g., officers) of program results, and*
    d. *exploitation of the opportunity diversion programs offer to reduce the isolation of police.*

16. The planning implications of police diversion's presence are gargantuan. At the risk of falling into a current trap, that of calling for "planning" without either speaker or hearer knowing what is being said, this area fosters several policy formulations.

    *Diversion programs should not be embarked upon without a firm basis in fact and much forethought. Plans should:*

    a. *address avoidance of operational inadvertence and information losses,*
    b. *prepare for monitoring progress continually to assure that both program requirements and information needs are being met,*
    c. *assure that at program completion, or specified "milestones," data will be at hand to facilitate rational analysis of progress and desirability/feasibility of program continuation, and*
    d. *include special safeguards against financing snags.*

    Post hoc assessments are plentiful; they are unsatisfactory. Unless there are ways to assure program performance at specified standards (including information types and levels) there is little hope of determining the proper role of police diversion in criminal justice. Financing arrangements which are either unsure or unsteady invite disaster.

    Effective planning involves a workable initial scheme, continuous feedback, and adaptation.

17. *A large proportion of police contacts appropriately are handled by diversion, probably even more than presently are recognized.*

    There is no hard and dependable estimate of this figure available, in our judgment. In most departments probably at least half of initial police contacts with juveniles can end with the conversation on the street, to the advantage of all parties. There is no

known reason to expect this figure to be consistent across jurisdictions or over time, or to be particularly different for adults.

18. For those clients needing more than street conversation but less than incarceration there are many options.

    *Diversion programs can be implemented and will not result in new offending for sizable numbers of their clients.*

19. *These programs probably work best when staffed by law enforcement and other functionaries in tandem. There are disadvantages to their being administered by police.*

20. *Diversion studies must take a long look at cost.*

    There is much in the written and spoken environment of diversion that "proves" this a cost-effective technique. No data to buttress this folklore adequately are in evidence. Many seem to think only the simple-minded would question that diversion patently is less expensive than typical criminal justice processing. We take the risk of being so labeled. Some studies show police costs may drop as diversion is expanded; none adequately addresses long term cost considerations.

21. *Diversion needs to be tried and tested on adults and on serious offenders.*

## CHAPTER F

## POLICE DIVERSION AND THE FUTURE

Police diversion has become formally recognized and is developing in new directions. Law enforcement officials, as was pointed out earlier, have used non-arrest alternatives in the past; it was more commonly called "street corner justice."[1] It was more covertly exercised and punitively oriented. "Street corner justice" still exists and probably always will; it is a natural adjunct of police discretion. However, diversion today has become more structured and, thus, its development more conscious and purposive. Five broad areas indicate momentum for the future: client eligibility, training, community awareness, programs, and evaluation.

An increasing number of people will be diverted by the police. More departments across the country are initiating diversion programs, from conflict management and crisis intervention to "in-house" counseling and external referrals. Police are expanding their perspective of the myriad client situations in which they can utilize non-arrest alternatives and still provide "order maintenance."[2] A primary impetus for this is "the 'demand' for criminal justice services exceeds the supply. Police, jails, prosecutors, defenders, courts, correctional institutions, and correctional personnel are and continue to be overburdened."[3] Diversion is one means to reduce the "demand" for these "services." It attempts to accomplish this in two primary ways. First, it simply reduces the aggregate number of individuals further processed into the criminal justice system. Second, it attempts to take positive, constructive action to minimize the probability of illegal behavior in the future.

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[1]A New York journalist recounts his experience with a policeman in his Lower East Side Manhattan neighborhood shortly after World War I. He was riding in a car which had been stolen by some other boys when they were spotted by the officer. "Nearing Grand Street, Joey, who could not have had much driving experience, slammed on the brakes to keep from hitting a horse drawn wagon . . . . The stop was so noisy that the cop on the beat came up. He looked in the car and at me, particularly. He knew me because my father used to give him sheets and pillow cases at Christmas and towels at Easter. He knew the other youths in the car also.

" 'Whose car is this?' he asked Joey.

" 'Mine.'

" 'Let's see the ownership,' the cop said. 'Baloney! You stole the car. Open the door and come outta there.'

"I was first out . . . The cop, George, took his club and slapped me hard across the behind and shouted, 'Get the f- outta here, ya little bastard, before I tell your father.' " Beichman, A., "What Do You Do with a Fifteen-Year-Old Mugger?" New York Magazine (June 7, 1971). Quoted in Rubinstein, J., *City Police*. New York: Farrar, Straus, and Giroux, 1973, pp. 189-190.

[2]Wilson, J. Q., *Varieties of Police Behavior: The Management of Law and Order in Eight Communities*. New York: Atheneum, 1970, pp. 17-34.

[3]Parnas, R., "Police Discretion and Diversion of Incidents of Intra-Family Violence." *Law and Contemporary Problems* 36:539 (Autumn, 1971).

Organizationally significant in this context is the fact that diversion programs are gaining the acceptance and support of police personnel.[4] Officers have always exercised discretion. Now a re-structuring of decision-making rather than imposition of a completely new procedure, is emerging.

A broader range of offenders will be diverted. Past emphasis has been upon youth; adults are also beginning to emerge more as eligible subjects. For selected categories of adults, as with juveniles, there does not appear to be any theoretical reason why they cannot equally benefit from diversion. There is another important reason for the projected increase. As Professor Raymond Parnas writes: "Many categories of offenses not only consume a significant amount of the time of one or more criminal agencies, but also involve situations in which the criminal process is not a particularly *appropriate* or *effective* means for dealing with the problem. . . ."[5] Thus, individuals committing a broader range of offenses will become eligible for diversion. This includes persons with more serious prior records and those committing more severe offenses, such as property crimes in which human life was not threatened. Past eligibility criteria have primarily restricted divertees to those with no or minor prior records apprehended for relatively marginal infractions, such as juvenile status crimes.[6]

An increasing number of police officers will receive specialized training in alternatives to arrest.

A large proportion of the police function is what has been termed the "social service role." Police are called, for example, to "handle" disputes involving family members, neighbors, landlords and tenants, entreprenuers and customers, etc.[7] Initially, at least, these can be civil situations or, at worst, "technical" criminal violations. However, without adequate intervention these encounters can degenerate into serious violations of the law. More police will be given training to defuse and, thereby, divert before such disputes culminate in serious violations.

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[4]See for example, Reiter, S. and M. Atwater, *Bellgardens Youth Services Center, First Fiscal Period Evaluation.* Sacramento: California Council on Criminal Justice, 1973, pp. 12-14; *A New Model for Interprofessional Cooperation: A University Demonstration Project on Manpower Training and Development.* Chicago: Police-Social Service Project, 1973, pp. 74-91; and Seattle Police Department, *Social Agency Referral Evaluation Report (January 1972-June 1973).* Seattle: Seattle Police Department, 1973, pp. 21, 23.

A number of studies have shown that whereas police were hesitant to accept diversion programs in the beginning, the programs gained acceptance with use.

[5]Parnas, *op. cit.*, p. 539. Emphasis added.

[6]truancy, beyond the control of parents and/or school, in danger of leading a lewd and immoral life, vagrant or involved in running away from home.

[7]See for example: Bercal, T. E., "Calls for Police Assistance: Consumer Demands for Governmental Service," *American Behavioral Scientist* 13:681-691, 1970; President's Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society.* Washington, D.C.: United States Government Printing Office, 1967, pp. 97-100; and Wilson, *op. cit.*, pp. 17-19.

> A great majority of the situations in which policemen intervene are not, or are not interpreted by the police to be, criminal situations in the sense that they call for arrest with its possible consequences of prosecution, trial, and punishment. . . .
>
> All of these situations could involve the violation of some ordinance or statute. All of them could lead to a serious breach of public order, or for that matter to a serious crime. Much of police work is seeing to it they do not lead to this extreme.[8]

The increased scope of diversion projected above will necessitate new and more complex programs. This, in turn, will require more sophisticated training for screening, diagnosis, and treatment. The larger programs mandate more complex eligibility criteria to determine who is most likely to benefit from the programs. The increased diversity of treatment programs has already shown the need for more precise diagnosis of clients and "matching" them to the appropriate program(s). Impetus in this area will continue. Finally, police officers will be given more education on the programs they operate. Training will increasingly utilize external specialists such as physicians, academicians, and clinical psychologists.

An enlarging number of public and private community agencies are becoming aware that they can actively participate in the prevention and diversion of persons transgressing the law. In other words, an awareness of system interdependence is developing:[9] the action of one agency, or lack thereof, can effect other elements of the community. The police and correctional agencies are no longer seen as isolated termini for deviant behavior.

> On the national level, [there is] an increasing awareness of the benefits to be derived from diversion of youth from the judicial system as well as an increasing insistence from various agencies and programs to receive referrals from the police. As Richard W. Kobetz pointed out in a recent article in *Justice Magazine*, "the police agency is no longer a doorway into the juvenile system. It is the first phase of the juvenile justice system. Police must place more emphasis on delinquency prevention, and the development of resources as alternatives to formal court referral. The Juvenile officer must function as a partner, sharing equally with the more clearly definable components of the juvenile justice system as well as being an integral part of his police agency."[10]

Overall, this shared perception of community responsibility can be seen as part of the recent emergence of community intervention and treatment in the criminal justice system.[11]

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[8]President's Commission, *op. cit.*, p. 91.

[9]See National Advisory Commission on Criminal Justice Standards and Goals, *Criminal Justice System*. Washington, D.C.: United States Government Printing Office, 1973.

[10]Seattle Police Department, *op. cit.*, p. 22.

[11]See National Advisory Commission on Criminal Standards and Goals, *Community Crime Prevention*. Washington, D.C.: United States Government Printing Office, 1973.



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Community agencies will continue to develop alternatives to arrest and more actively publicize these programs to the police for their use. Interestingly, there are several purchase-of-services pilot programs in operation.[12] The police department pays a specified amount to certain agencies which attempt to work with individuals diverted to them. This could become an attractive procedure to police departments and governing bodies. It is one means to help finance certain public agencies and it provides a mechanism for holding both public and private organizations accountable. They would have to demonstrate a certain level of contact (e.g., number of meetings with clients) and effectiveness (e.g., recidivism rate) in order to be remunerated.

Diversion programs will become multifaceted; they will attempt to deal with the whole person. Individuals violating the law often have multiple antecedent problems, for example with family, school, and employment. In order to maximize the probability of mediating further criminal behavior, "treatment" will attempt to more fully address the range of an individual's problems.[13]

Evaluation in this area will have to improve! Because of the tight money situation, especially for state and local governments, appropriating bodies are more closely scrutinizing programs. Evaluation (if positive) can be one means to help legitimate funding requests, particularly for relatively new programs that are not well entrenched in the funding cycle. Also, police departments themselves are increasingly using research findings. Due to the large increase in reported crime, police must attempt to maximize their effectiveness; research can provide one means to this end. There are several areas where improved evaluation of police diversion programs appears forthcoming.

Data gathering will be improved. This is something that police already have a predeliction to perform, e.g., reported crime and arrest rates. The increased structuring and pressure for evaluation of diversion programs will facilitate at least basic information gathering. Herein lies a problem. More sophisticated data gathering and analysis are dependent upon persons specifically trained for such functions. This requires financing and police acceptance of "outside" researchers, both of which will require adroitness in the future.

One complaint often expressed by police is that once they divert someone to an outside agency, they never receive any feedback. Thus, police will probably require referral agencies to obtain certain basic information on their clients, and keep the police apprised of their progress.

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[12]The Los Angeles County Sheriff's Department currently has a purchase-of-services pilot program in operation. The absorbing agency will receive $50 per client to cover intake and program expenses and an additional $150 per client after each successful, non-recidivist program period of six months for that client.

[13]For a discussion of this more comprehensive paradigm of treatment in the medical field see: "A Conversation with Dr. Len H. Andrus," *Health News* 1:3-4 (June, 1974).

The increase in data will allow for greater comparison of program outcomes. This will be a very significant improvement. Hopefully this will lead to program modification, abolition of ineffective programs, and the development of new ones. It could help provide models for jurisdictions desiring to initiate new programs. It might also delineate certain components which could be put together for a program that will have greater positive effect than the separate parts.

Another definite area of future research will be cost analysis. A primary motivation for this is the shortage of money noted above. It will also provide an added criterion on which to compare diversion programs. Moreover, if alternatives to arrest can equal or reduce typical recidivism rates at less cost, then this will be evidence supporting increased use of community alternatives. Parenthetically, it would be interesting to see what effect directing a substantial portion of current incarceration expenditures to diversion programs would have.

Two specific areas where special focus seems warranted are: 1) any subset of problems which appears to be achieving solutions relatively well and 2) efforts aimed at disseminating what is known about effective diversion practices. The text now concentrates on two proposals that would, if pursued, enhance our position in these areas.

**Campus Diversion**

Project Plan Summary

This project aims at achieving an assessment of the extensiveness of use by campus police of arrest alternatives, their discovery and description, and creation of a prototype approach to evaluating the effectiveness of these alternatives.

A questionnaire is to be developed and mailed to all U. S. university campus police departments as a vehicle for surveying arrest alternatives usage by these law enforcement functionaries. From the returned research instruments a stratified, random sample of 32 departments will be selected for further study. The choices will be based on current usage of alternatives, willingness to participate in further study, geographic location, campus size, and primary funding source.

Site visits will be made to each site elected; from these will come descriptions of program procedures, details on factors influencing these operations, recitation of the goals at which the programs aim, and initial assessment of the effectiveness of the programs. Questionnaire and site-visit data will then be analyzed, with particular emphasis on factors which seem to shed light on the question of what works with whom.

The information and data analyses will underpin design of an evaluation prototype for use in looking at the effects of these types of programs and at the way such programs interface with similar programs and with other segments of the criminal justice system. The resulting design will form the major portion of the project final report, the other principal section being concerned with what can be said presently about how and with what effects campus arrest alternatives work — both from quantitative and qualitative perspectives.

While the final report is being prepared, attention will be turned to what further research needs to be done on campus police arrest alternative practices. Proposals to do such work will be generated, as appropriate.

Approach and Design

Work currently in progress has led to the conclusion that very little evaluation of police use of alternatives to arrest has found its way into the criminal justice literature. Not only do there appear to be minimal statistical assessment data available in this study area, there are almost no attempts in evidence which purport to describe the structure of police diversion activities in the United States.

Diversion by law enforcement functionaries probably predates the formation of anything remotely similar to our modern police; perhaps that is why there has been little description, and less assessment, of the practice. Something which possesses remote origins, and which contains large embarrassment potential, is easy to omit from a list of worthy research topics.

Current attempts to shed light on this general practice area have spotlighted a particular diversion setting on which no formal assessment appears available. Uniform Crime Reports[14] tells that there are at least 1,764 full-time police employees (on October 31, 1972) working on a selected group of U. S. university campuses. During 1972 at least 25,266 offenses[15] were known to university police. Crimes-cleared data on these offenses are not presented.

"ADAPT?" project consultants estimate that many university police departments handle a substantial portion of their clients by referral to non-criminal-justice-system resources. The most pertinent among these seems to be the university student affairs office, a referral source also utilized by other law enforcement agencies.

The Problem

The forms, extensiveness, and effectiveness of campus police use of alternatives are not known. Particularly is there little in the literature on the way student affairs approaches to handling crime operate and how (or whether) they achieve recidivism reduction. Perhaps there are tools being used for benefit of the relatively advantaged young among us (college students) which would serve another — and far larger — segment of our youth well.

Research Objectives and Methodology

The needs are to:

1. assess the extensiveness of campus police use of arrest alternatives,
2. discover and describe these alternatives, and

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[14]*Crime in the United States, 1972. Washington: U. S.* Government Printing Office, August 8, 1973, p. 211. The term "at least" applies here as the cited report gives data for 50 campuses in 23 states, only.

[15]*Ibid.*, p. 257, based on 47 campuses in 20 states.

3. design an approach to evaluating the effectiveness of these alternatives.

There is, initially, a need to survey U. S. campus police departments to ascertain how many and which ones use arrest alternatives. A questionnaire will be designed providing a definition and examples of arrest alternatives and soliciting data on the prevalence of use of these and any other alternates by each campus police department in the United States. This questionnaire will be the result of staff, consultant, and pretest-and-reformulation inputs. Follow-up mailings will seek a substantial proportion of returned questionnaires. A random sample, stratified on the basis of campus size, location, and funding source (private vs. public) will be chosen from questionnaire respondents indicating current usage of alternates to arrest and willingness to participate further in the study. Selection will be based on a categorization of schools as described in the figure below.

LOCATION

| PACIFIC | MOUNTAIN | CENTRAL | EASTERN |
|---|---|---|---|
| Private | Private | Private | Private |
| Large 2* | Large 2 | Large 2 | Large 2 |
| Small 2 | Small 2 | Small 2 | Small 2 |
| Public | Public | Public | Public |
| Large 2 | Large 2 | Large 2 | Large 2 |
| Small 2 | Small 2 | Small 2 | Small 2 |
| 8 | 8 | 8 | 8 |

Figure 1

Campus Selection Guide

*To the extent possible, a northern and southern representative of each category will be chosen.

The United States will be viewed as comprised of four sections, corresponding to current time zones. Within each, schools, who volunteer for further study will be categorized as public or private (depending on whether they are tax supported) institutions and as large (5,000 or more students e nrolled in 1973 Fall semester/quarter) or small (under 5,000 students). Thus, 32 campuses will be spotlighted.

Site visits will then be made to each selected school, after a partial listing of alternatives (available from the questionnaire) has been derived. From these visits will eventuate detailed descriptions of the subject procedures, including their "nuts and bolts" components, the influences of outside forces on their operation, the goals envisioned in their per-

petuation, and feelings and or facts about the effects of the arrest-alternatives.

Information to be gathered in these site visits includes: enumeration and description of the arrest-alternate procedures in current use; discussion of the functional components, including agency interdependencies, effecting their operation; analysis of the goals these alternatives are intended to achieve; and analysis of any opinions, comments, data or other indicators of the effectiveness of these programs. All collected data will then be distilled into a descriptive document indicative of current campus police arrest alternatives usage across the nation, with particular emphasis on the results of the site visits, and conclusions will be reviewed in conjunction with consultants.

The final project report, thus, will present a status report on campus arrest alternatives practice and achievements. It will, as well, include an assessment prototype design for implementation in evaluating the results of the use of various alternatives to arrest in different types of cases. This design will draw, to the degree possible, on existing classifications[16] of students in an attempt to ferret out the implications of using arrest alternatives on various classes of offenders. The emerging prototype design will emphasize this classification component. This formulation will be based on assessment of results in numerical terms. Statistical tools such as multiple regression, configuration, and Bayesian Analysis will be employed to determine likely optimal matches of persons to programs. Also included will be qualitative analyses and guides to cost-benefit considerations.

The assessment prototype will take a form making it readily adaptable to various campus programs. This prototype will emphasize the need to compare different approaches in disparate locations as well as to gain information about a single approach. It will be accompanied by implementation suggestions and, where appropriate, by follow-on proposals regarding its amplification and implementation.

Impact

Much is heard today about criminal justice system inequities. One frequent line in this refrain is that "poor kids" get fewer benefits — are offered fewer options — as penetration of the criminal justice system looms. This argument contains a classic fallacy — sometimes described as the "more must be better" error.

This study is designed to assess the options offered a relatively advantaged group of American youth (college students) as the specter of arrest enters their lives. This will facilitate later comparison with the alternatives available outside the university setting.

Immediate gains will be the description of arrest alternative techniques in current usage, preliminary assessment of their effectiveness, and presentation of a design for more nearly definitive evaluation of these pro-

[16]Persons may be described as to sex, ethnic origin, and countless others ways. Existing records will be used in searching for classes of persons which discriminate between individuals relative to their reactions to diversion alternates.

TASKS

1. "Start-up"
   Personnel assignment, work station outfitting, etc.
2. Background work
   Secure up-to-date list of campus addresses; initiate on-going referral of pertinent publications to project; secure initial list of relevant diversion techniques in current use
3. Design, pretest, reformulate, mail and follow-up on return of questionnaire
4. Analyse questionnaire data; choose site-visit locations
5. Make site visits
6. Analyse site visit data; describe alternatives programs
7. Design prototype evaluation scheme
8. Prepare project final report
9. Formulate follow-on proposals

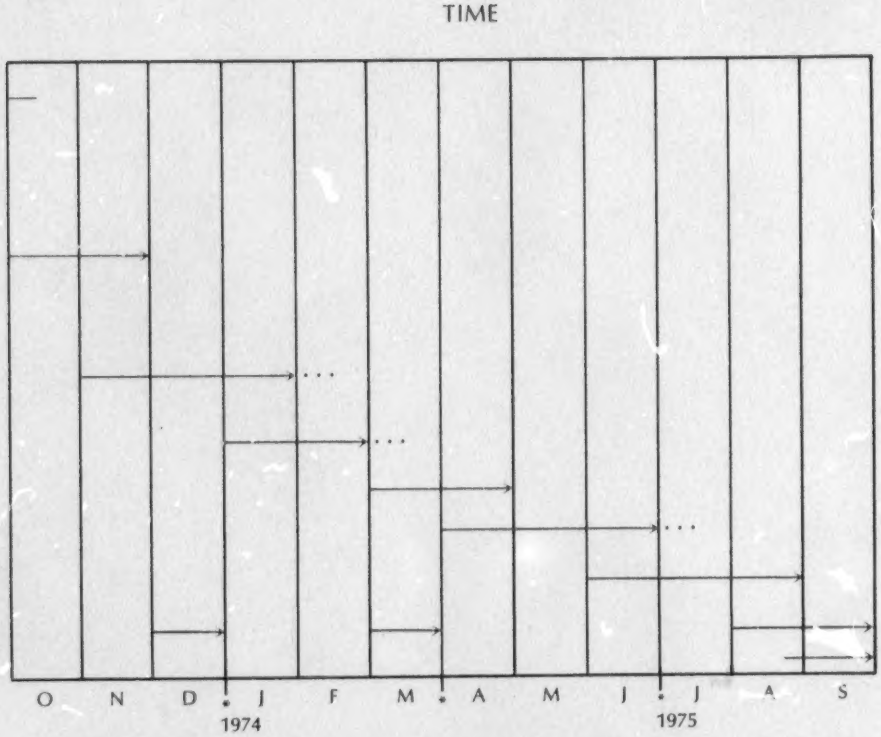


Figure 2
Project Schedule

*Quarterly reports submission times

grams' results. Ultimately, the thrust can be toward making use only of alternatives available to the "privileged" which are assets. The goal is to determine what works for whom at the arrest juncture, to use only effective techniques, and to use these only on the persons who will respond thereto favorably. This proposal outlines the first steps in that process.

**Police Diversion Conference**

Introduction

Two practical limitations of existing police diversion studies have been their scope and respective audiences. Most works have only dealt with one program, thereby lacking perspective. Secondly, relevant articles published by academicians tend not to come to the attention of police personnel, and program evaluations usually have a limited circulation, e.g., among police department command officials. In a relatively covert area of police action there has been a definite lack of communication.[17]

It is herein proposed to conduct a national conference on police diversion. The participants will include approximately 50 persons concerned with the area of police diversion, such as police officers, diversion program personnel, academics, and state planning coordinators. This will allow such persons to become cognizant of each other's work, share mutually relevant information, and, hopefully, generate new ideas, or integrate existing ones, concerning police diversion.

Program

The program will occur during a three day period in November, 1974. A general session of all participants will be held during the morning of the first day. The primary findings of project "ADAPT?" will be presented and discussed. In the remainder of the meeting a workshop format will be used. During the first half of each morning and afternoon session, participants will split into various groups to discuss pre-selected topics. During the second half of each session a reporter from each group will present the major points of discussion for consideration by all participants.

The five workshop topics are as follows:

1. SCREENING CRITERIA
   - What is police diversion?
   - What is the purpose of diversion?
   - What client attributes are used for screening? What are their effects?
   - What is the effect of departmental structure upon the use of diversion?
   - What are the effects of departmental and community resources upon diversion?

[17]At the National Association of Pre-Trail Services Agencies in Cooperation with the American Bar Association, National Conference on Diversion, (September, 1973) there were no papers presented on police diversion.

2. METHODS OF DIVERSION

What non-arrest alternatives are available to police?

For example: departmental and referral agency counseling, out of home placements, community shelter care (short-term), volunteer programs, work programs, and parent effectiveness training.

What are the relative advantages and disadvantages of each?

What screening criteria are used to determine which non-arrest alternatives are used?

3. EFFECTS OF DIVERSION

What are the advantages of diversion?

For example: Does it help to solve problems seen as causing, or contributing to, law violation?

Does diversion provide a "second chance?"

Does it allow for a certain "equality" in the application of law?

What are the disadvantages of diversion?

For example: Are people "coercively" diverted when there are insufficient grounds to arrest anyway?

Does diversion reduce respect for the law?

Do people diverted by the police have an equal or higher probability of violating the law again, compared to those previously arrested?

What are the differential effects of various programs?
Why?

What are the differential effects of varying client group composition in diversion programs?
Why?

4. EVALUATION (HOW ARE DIVERSION PROGRAMS MEASURED?)

Do the programs provide for evaluation?

For referrals external to the police department, is there any method of follow-up? For example: Did the subject show up? Did the subject complete the program? What was the client's prognosis?

For internally handled dispositions, do the police gather data for analysis?

What criteria of evaluation should be used?

(For example: school accomplishment, parental harmony, employment, personal satisfaction, recidivism)

Is the level of analysis sufficient to evaluate the program(s)?

Are program evaluations used as a basis for program evolution?

5. FUTURE OF POLICE DIVERSION

Should diversion be expanded or restricted? How?

Who should be diverted?

Who should not be diverted?

Should police officers receive more training in the area of police diversion?

Should diversion emphasis be upon police counseling or external referral?

Participants

The participants will be comprised of approximately 50 persons concerned with police diversion. Law enforcement officers will include those associated with juvenile and adult diversion programs. Examples of academic personnel who will be invited are found in the bibliographic entries terminating this volume. Personnel from diversion programs which are utilized, but not run, by police will be invited. Other prospective attendees are police planning coordinators from several state criminal justice agencies.

Dissemination and Utilization of Results

The product of this conference will take two forms. First, the participants will become aware of each other's work in the area. This is particularly important for the police practitioners; it provides them with new information, new models, and the perspective of comparison.

Second, a report of the proceedings will be provided to the grantor.[18] This will be a report of the five workshops. It will include the major lines of discussion by each of the subgroups and relevant commentary from the general sessions. This will provide an operational supplement to the findings of project "ADAPT?"

**Conclusions**

A large portion of police diversion has become formally recognized, its operation structured, and it is developing in new directions. Police diversion is increasing in scope and becoming more sophisticated in nature.

Heretofore this chapter has attempted to project extant momentum into the future. At this last juncture it is appropriate to offer two suggestions which also will, hopefully, have an effect on the future.

First, police should be careful not to get "locked" into diversion. "Diversion" has become a very popular rubric. However, as Professor Malcolm Klein notes:

> For minor or first-time offenders, as opposed to multiple offenders, insertion into the system and agency referral forms of diversion will both lead to greater recidivism than will actions approximating normalization. We have some data that suggests that those diversion programs could be just as stigmatizing, just as damaging, in fact, reinforcing of the differentness of the kid, and that for those first-time or minor offenders, you're better off pretending that they never even did it — just driving on by.[19]

[18]The granting agency can thereupon determine whether funding for its publication is warranted.

Thus, another alternative to arrest is to develop an official policy of "normalization" (a policy of do-nothing).[20]

In conjunction with the above warning is a police tendency to "divert" individuals when otherwise no official action would, or could, be taken. In other words, diversion has been used as a method of "treatment," i.e., control, without sufficient cause. Thus, police should develop a minimum criterion of "probable cause" for program admission.

Second, police diversion programs should not be considered a priori beneficial. Carefully planned, systematic research is needed to evaluate the relative advantages and disadvantages of different programs in varying contexts.

Minimally, this will require several elements. Selection of police departments with differing jurisdictions, characteristics, and program components is fundamental. For example, one could take 6 "police" departments (2 with large core city jurisdiction, 2 with suburban jurisdictions — 1 a sheriff's and the other a police department — 1 rural, and 1 university campus) that were willing to both allow and support the diversion program. The program components could have, for example, "in-house" counseling, external referrals, crisis intervention, and normalization.

The program would call for random diversion of a portion of each department's criminal contacts. There would need to be a procedure whereby a representative group of police contacts were turned over to a selection team who would randomly release directly to the community, refer to alternative (non-criminal justice) interventions, and process through normal criminal justice system programs the clients they received. The procedure probably would need to be of the stratified random variety in that someone involved in a very minor matter would be released regardless and a violent offender would not be considered appropriate for diversion. The rules for these exceptions would need to be clearly defined during the planning process.

Lastly, there would be at least a one year, post-treatment follow-up. This should include several criterion measures, such as: re-arrest rate, differential severity of re-arrest offenses, school progress, and employment functioning.

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[19]Malcolm Klein quoted in Pink, W. T. and F. White (eds.). *Delinquency Prevention: A Conference Perspective on Issues and Directions*. Portland, Oregon: Portland State University, 1973. p. 65.

[20]For example, Martin Gold's comparison of matched arrest and non-arrest cohorts indicated greater recidivism among those arrested. (Gold, M., *Delinquent Behavior in an American City*. Belmont, California: Brooks/Cole, 1970). A recent evaluation of a police diversion project indicated that diverted offenders referred to community treatment facilities exhibited higher recidivism rates than a matched cohort who were diverted but not referred to agencies. Lincoln, S. B., "Juvenile Diversion, Referral, and Recidivism," in Carter, R. M. and M. Klein, (eds.). *Back on the Streets: Police Diversion of Juvenile Offenders*. Englewood Cliffs, New Jersey: Prentice Hall, in press.

This would achieve several things that have not been done in police diversion studies to date:

1. A careful, comprehensive description of police clientele could be developed on a multi-jurisdictional base

2. Adult and juvenile offenders could be subjected to diversion across the gamut of offense seriousness levels

3. An adequate follow-up could be established

4. The follow-up could be "buried" in the normal police routine to guard against "special" considerations to suspects in re-offending situations

5. Students of diversion could get the chance to take a long, hard look over a decent period of time at the operation and results of different diversion programs in several geographic settings

6. Some realistic cost-benefit analyses could be accomplished.

In sum, much more rigorous and extensive research evaluation is needed as a basis for modifying and developing effective alternatives to arrest — and for abolishing certain programs when necessary.

## APPENDIX

## THE POLICE DIVERSION LITERATURE: A BIBLIOGRAPHY

The efforts to locate diversion literature that have occupied much of project staff time, and the descriptions of which fill many preceding pages, have resulted in an extensive set of citations to relevant literature. Many of those references have ancillary applicability and no two of them are identical in focus.

The works unearthed are listed in this bibliography. To facilitate its use by the student of police diversion evaluation, each citation of a study classified as central to this assessment (see Chapter C) ends with an asterisk.

The purpose of a bibliography is to make further exploration easier. It seems especially fitting that this volume ends thusly, emphasizing the conclusion that systematic scrutiny of police discretion has yet to begin.

## ARTICLES


Adams, Stuart. "Evaluative Research in Corrections: Status and Prospects," *Federal Probation*, Vol. XXXVIII, No. 1. Washington, D. C.: Administrative Office of the United States Courts, March 1974, pp. 15-21.

"A Conversation with Dr. Len H. Andrus," *Health News*, Vol. 1, No. 12. Sacramento, California: California Department of Health, June 1974, pp. 3-4.

Allen, Jeffrey M. "Pretrial Release Under California Penal Code Section 853.6: An Examination of Citation Release," *California Law Review*, Vol. 60. Berkeley, California: Boalt Hall School of Law, 1972, pp. 1339-1370.

Ageton, Suzanne S. and Delbert S. Elliott. "The Effects of Legal Processing on Delinquency Proneness." (Unpublished work.)

Aspen, Marvin E. "Arrest and Arrest Alternatives: Recent Trends," *University of Illinois Law Forum*, Vol. 1966, Summer, No. 2, Chicago, Illinois: University of Illinois College of Law, 1966, pp. 241-254.

Bard, Morton. "Alternatives to Traditional Law Enforcement," *Police*. Springfield, Illinois: Charles C. Thomas, November-December, 1970, pp. 20-23.

Bard, Morton. "Extending Psychology's Impact Through Existing Community Institutions," *The American Psychologist*, Vol. 24, No. 6. Washington, D. C.: American Psychological Association, June 1969, pp. 610-612.

Bard, Morton. "Family Intervention Police Teams as a Community Mental Health Resource," *Journal of Criminal Law, Criminology, and Police Science*, Vol. 60, No. 2. Chicago, Illinois: Northwestern University School of Law, 1969, pp. 247-250.

Bard, Morton. "Iatrogenic Violence," *The Police Chief*. Gaithersburg, Maryland: International Association of Chiefs of Police, Inc., January 1971, pp. 16-17.

Bard, Morton. "Immediacy and Authority in Crisis Management." (Paper presented at an NIMH Crisis Intervention Seminar.) 1973.

Bard, Morton. "A Model for Action Research," *Man as the Measure: The Crossroads*. New York, New York: Behavioral Publications, Inc., 1972, pp. 17-28.

Bard, Morton. "The Role of Law Enforcement in the Helping System," *Community Mental Health Journal*, Vol. 7, No. 2. New York, New York: Behavioral Publications, Inc., 1971, pp. 151-160.

Bard, Morton and Joseph Zacker. "Effects of Conflict Management Training on Police Performance." *Journal of Applied Psychology*, Vol. 58, No. 2. Silver Spring, Maryland: American Institutes for Research, 1973, pp. 202-208.*

Bard, Morton and Joseph Zacker. "The Prevention of Family Violence: Dilemmas of Community Intervention," *Journal of Marriage and the Family*. Minneapolis, Minnesota: National Council of Family Relations, November 1971.

Bercal, Thomas E. "Calls for Police Assistance: Consumer Demands for Governmental Service," *American Behavioral Scientist*, Vol. 13, pp. 681-691.

Berger, Mark. "Police Field Citations in New Haven," *Wisconsin Law Review*, Vol. 1972, No. 2. Madison, Wisconsin: University of Wisconsin Law School, pp. 382-417.

Berleman, William C. and others. "The Delinquency Prevention Experiment of the Seattle Atlantic Street Center: A Final Evaluation," *Social Service Review*, Vol. 46. Chicago, Illinois: University of Chicago Press, 1972, pp. 323-345.

Berleman, William C. and Thomas W. Steinburn. "The Value and Validity of Delinquency Prevention Experiments," *Crime and Delinquency Literature*. New York, New York: National Council on Crime and Delinquency, October 1969, pp. 471-478.

Black, Donald J. "Production of Crime Rates," *American Sociological Review*, Vol. 35. Washington, D. C.: American Sociological Association, 1970, pp. 733- 748.

Black, Donald J. "The Social Organization of Arrest," *Stanford Law Review*, Vol. 23, No. 6. Stanford, California: Stanford University School of Law, June 1971, pp. 1087-1111.

Blanton, Michael. "Police Discretion," *New Society*, Vol. 2, No. 48. 1963, p. 6.

Bordua, David J. "Recent Trends: Deviant Behavior and Social Control." *The Annals of the American Academy of Political and Social Science*, Philadelphia, Pennsylvania: The American Academy of Political and Social Science, January 1967, pp. 149-163.

Brakel, Samuel J. "Diversion from the Criminal Process: Informal Discretion, Motivation, and Formalization," *Denver Law Journal*, Vol. 48. Denver, Colorado: University of Denver College of Law, 1971, pp. 211-238.

Brakel, Samuel J. and Galen R. South. "Diversion from the Criminal Process in the Rural Community," *Research Contributions of the American Bar Foundation*, No. 6. Chicago, Illinois: Foundation Publications, 1969.

Bryant, Thomas E. "Statement of Thomas E. Bryant M.D., President, The Drug Abuse Council, Inc. at the Meeting of the Directors of Criminal Justice Research Centers." Cambridge, Massachusetts: Harvard University Law School, May 5-6, 1974.

Carter, Robert M. "The Diversion of Offenders," *Federal Probation*, Vol. XXXVI, No. 4. Washington, D. C. Administrative Office of the United States Courts, December 1972, pp. 31-36.

Cook, Paul. "Delinquency Prevention Through Education Intervention," *The Journal of Negro Education*. Washington, D. C.: Bureau of Educational Research, Spring 1966, pp. 151-159.

Cowan, Paul. "The New Grand Jury," *The New York Times Magazine*. April 29, 1973, pp. 19-44.

Cumming, Elaine, Ian Cumming and Laura Edell. "Policeman as Philosopher, Guide and Friends," *Social Problems*, Vol. 12, No. 3. Notre Dame, Indiana: Society for the Study of Social Problems, 1965, pp. 276-286.

"Diversion," in National Advisory Commission on Criminal Justice Standards and Goals. *Police*. Washington, D. C.: United States Government Printing Office, 1973, pp. 80-82.

Evans, Robert B. "East Palo Alto: Experiment in Juvenile Alternatives," *Crime Prevention Review*, Vol. 1, No. 2. Sacramento, California: Attorney General's Office, January 1974, pp. 19-24.

Fajen, Elizabeth. "Curing Delinquency at the Source," *Survey*, Vol. 82, No. 10. October 1946, pp. 261-262.

Feeney, Floyd F. "Citation in Lieu of Arrest: The New California Law," *Vanderbilt Law Review*, Vol. 25, No. 2. Nashville, Tennessee: Vanderbilt University School of Law, March 1972, pp. 367-394.

Ferdinand, Theodore N. and Elmer G. Luchterhand. "Inner-City Youth, the Police, the Juvenile Court, and Justice," *Social Problems*. Notre Dame, Indiana: Society for the Study of Social Problems, 1969-1970, pp. 510-527.

Ferster, Elyce Zenoff and Thomas F. Courtless. "The Intake Process in the Affluent County Juvenile Court," *Hastings Law Journal*, Vol. 22, No. 5. San Francisco, California: Hastings College of the Law, 1971, pp. 1127-1153.

Glas ow, Edward H. and others. "Arrest Performance Among Patrolmen in Relation to Job Satisfaction and Personal Variables," *The Police Chief*, Vol. 40, No. 4, Gaithersburg, Maryland: International Association of Chiefs of Police, Inc., April 1973, pp. 28-34.

Goldstein, Joseph. "Police Discretion Not to Invoke the Criminal Process: Low-Visibility Decisions in the Administration of Justice," *The Yale Law Journal*, Vol. 69, No. 4. New Haven, Connecticut: Yale Law Journal Company, Inc., March 1960, pp. 543-589.

Grady, James. "Rural America Project: The Montana Youth Services System," *Delinquency Prevention Reporter*. Washington, D. C.: United States Department of Health, Education and Welfare, January 1973.

Green, Nancy B. and T. C. Esselstyn. "The Beyond Control Girl," *Juvenile Justice*, Vol. 23, No. 3. Reno, Nevada: The Journal of the National Council of Juvenile Court Judges, November 1972, pp. 13-19.

Haney, Bill and Martin Gold. "The Juvenile Delinquent Nobody Knows," *Psychology Today*, Vol. 7. Del Mar, California: Communications/Research/Machines, Inc., September 1973, pp. 49-52, 55.

Harlow, Eleanor. "Diversion from the Criminal Justice System," *Crime and Delinquency Literature*, Vol. 2, No. 2. New York, New York: National Council on Crime and Delinquency, April 1970, pp. 136-171.

Harlow, Eleanor and others. "A Selected Bibliography—Diversion: Principle and Practice," *Diversion from the Criminal Justice System*. Rockville, Maryland: Center for the Study of Crime and Delinquency, National Institute of Mental Health, 1971, pp. 17-33.

Hohenstein, William F. "Factors Influencing the Police Disposition of Juvenile Offenders," *Delinquency, Selected Studies*. New York, New York: John Wiley and Sons, Inc., 1969, pp. 138-149.

"Implications of Diversion," in National Advisory Commission on Criminal Justice Standards and Goals, *Corrections*. *Washington, D. C.*: United States Government Printing Office, January 1973, pp. 77-97.

Jacob, H. "Black and White Perceptions of Justice in the City." *Law and Society Review*, Vol. 6. August 1971, pp. 68-89.

Jeffery, C. Ray. "Criminal Law, Punishment, and Behavioral Control," *Crime Prevention Through Environmental Design*. Beverly Hills, California: Sage Publications, 1971, pp. 43-47.

Johnson, Deborah and Robert J. Gregory. "Police-Community Relations in the United States: A Review of Recent Literature and Projects," *The Journal of Criminal Law, Criminology, and Police Science*, Vol. 62, No. 1. Chicago, Illinois: Northwestern University School of Law, 1971, pp. 94-103.

Kamisar, Y. "When Cops Were Not 'Handcuffed'," in Cressey, Donald R. *Crime and Criminal Justice*. Chicago, Illinois: Quadrangle Books, 1971, pp. 46-57.

Katz, Myron. "Family Crisis Training: Upgrading the Police While Building a Bridge to the Minority Community," *Journal of Police Science and Administration*, Vol. 1, No. 1. Chicago, Illinois: Northwestern University School of Law, 1973, pp. 30-35.

Klapmuts, Nora. "Diversion from the Justice System," *Crime and Delinquency Literature*. Hackensack, New Jersey: National Council on Crime and Delinquency, March 1974, pp. 108-131.

Klein, Malcolm W. "Issues in Police Diversion of Juvenile Offenders: A Guide for Discussion." (Unpublished work.)

Klein, Malcolm W. "Labeling and Recidivism: A Study of Police Dispositions of Juvenile Offenders." (Draft of an article delivered at the American Sociological Association.) 1972.*

Klein, Malcolm W. "On the Front End of the Juvenile Justice System." (Paper prepared for the Pacific Sociological Association.) April 1971.*

Knori, Arthur Jay. "An Examination of Literature Pertaining to Police Discretion and Disposition of Youthful Offenders," *Journal of California Law Enforcement*, Vol. 8, No. 2. Sacramento, California: California Peace Officers' Association, October 1973, pp. 85-94.

Kramer, John C. and others. "Civil Commitment for Addicts: The California Program," *American Journal of Psychiatry*, Vol. 125. Washington, D. C.: American Psychiatric Association, December 1968, pp. 128-136.

Lincoln, Suzanne Bugas. "Juvenile Diversion, Referral, and Recidivism." (Paper prepared for the Society for the Study of Social Problems.) 1973.

Lipsitt, Paul D. and Maureen Steinbruner. "An Experiment in Police-Community Relations: A Small Group Approach," *Community Mental Health Journal*, Vol. 5, No. 2. New York, New York: Behavioral Publications, Inc., 1969, pp. 173-179.

Lobenthal, Joseph S., Jr. "Designing Research in Corrections: An Abbreviated Tour Guide," *Federal Probation*, Vol. XXXVIII, No. 1. Washington, D. C.: Administrative Office of the United States Courts, March 1974, pp. 29-36.

Logan, Charles H. "General Deterrent Effects of Imprisonment," *Social Forces*, Vol. 51. Chapel Hill, North Carolina: University of North Carolina Press, September 1972, pp. 64-73.

Lynden, Patricia. "The Menlo Park Police," *Atlantic Monthly*, Vol. 232, No. 3. Boston, Massachusetts: Atlantic Monthly Company, September 1973, pp. 16-24.

Manning, Peter K. "Organizations as Situationally Justified Action." (Working paper).

Manning, Peter K. "Dramatic Aspects of Policing." (Paper read at a faculty seminar at the Department of Sociology and Anthropology, Manchester University, Manchester, England), May 1973.

Martinson, Robert. "What Works? — Questions and Answers About Prison Reform," *The Public Interest*, No. 35. Spring 1974, pp. 22-54.

Marx, Gary T. "Alternative Measures of Police Performance." (Paper read at American Sociological Association, New York.) 1973.

Marx, Gary T. "Civil Disorder and the Agents of Social Control," *Journal of Social Issues*, Vol. 26, No. 1. Ann Arbor, Michigan: Society for the Psychological Study of Social Issues, 1970, pp. 19-57.

Marx, Gary T. "Some Sources of the Police and Problems of Police." (Revised version of paper delivered at Eastern Sociology meetings.) 1972.

Marx, Gary T. and Dana Archer. "Picking Up the Gun: Some Organizational and Survey Data on Community Police Patrols." (Unpublished work to appear in A. Biderman, *Crime, Justice and the Public*, Appleton-Century Crofts, forthcoming.)

Mayhugh, Samuel L. and Frank L. Jameson. "New Directions in Diverting Juvenile Offenders from the Criminal Justice System to Human Development and Treatment Programs." (Prepared for the University of Maryland and the U.S. Department of Justice for Publication by LEAA in the proceedings of the Fourth National Symposium on Law Enforcement Science and Technology.) May 1972.

McCaghy, Charles H. and others. "Public Attitudes Toward City Police in Hartford." (A paper presented at the annual meeting of the Society for the Study of Social Problems, San Francisco.) August 1967.

McCord, Jim (ed.). "Informal Disposition of Delinquency Cases: Survey and Comparison of Court Delegation of Decision-Making," *Washington University Law Quarterly*, Vol. 1965, No. 2. St. Louis, Missouri: Washington University School of Law, April 1965, pp. 258-295.

Miller, Frank W. and others. "The Police Function," *Cases and Materials on Criminal Justice Administration and Related Processes*. Mineola, New York: The Foundation Press, Inc., 1971.

Model Cities Task Force. "A Proposal for Crime Reduction and Improving Police-Community Relations." (Unpublished work.) March 1970.

Monahan, Thomas P. "National Data on Police Dispositions of Juvenile Offenders," *Police*, Vol. 14. Springfield, Illinois: Charles C. Thomas, September-October 1969, pp. 36-45.

Morris, Norval. "Catchers, Triers, and Keepers: A Modern Dilemma," in *Proceedings, Fifth Annual Interagency Workshop of the Institute of Contemporary Corrections and the Behavioral Sciences*. Huntsville, Texas: Institute of Contemporary Corrections and the Behavioral Sciences, Sam Houston State University, June 8-19, 1970.

Nettler, Gwynn. "Antisocial Sentiment and Criminality," *American Sociological Review*, Vol. 24, No. 2. Washington, D. C.: American Sociological Association, 1959, pp. 202-208.

Nimmer, Raymond. "The Public Drunk: Formalizing the Police Role as a Social Help Agency," *Georgetown Law Journal*, Vol. 58. Washington, D. C.: Georgetown University Law Center 1969-70, pp. 1089-1115.

O'Connor, Gerald G. "The Impact of Initial Detention Upon Male Delinquents," *Social Problems*. Notre Dame, Indiana: Society for the Study of Social Problems, 1970-1971, pp. 194-199.

Ostrom, Elinor and Gordon Whitaker. "Black Citizens and the Police: Some Effects of Community Control." (An unpublished report prepared for delivery at the American Political Science Association meeting, Washington, D. C.) 1971.

Owens, Robert P. "Police Officer Attitude Change Toward Detoxification," *The Police Chief*, Vol. 40, No. 7. Gaithersburg, Maryland: International Association of Chiefs of Police, Inc., July 1973, pp. 38-39.

Parnas, Raymond. "Police Discretion and Diversion of Incidents of Intra-Family Violence," *Law and Contemporary Problems*, Vol. 36. Durham, North Carolina: Duke University School of Law, 1971, pp. 539-565.*

Petersen, David M. "Police Disposition of the Petty Offender," *Sociology and Social Research*, Vol. 56. Los Angeles, California: University of Southern California, 1971-1972, pp. 320-330.

Piliavin, Irving and Scott Briar. "Police Encounters with Juveniles," *American Journal of Sociology*, Vol. 70. Chicago, Illinois: University of Chicago Press, 1964-1965, pp. 206-213.

"Pretrial Diversion from the Criminal Process," *Yale Law Journal*, Vol. 83, No. 4. New Haven, Connecticut: Yale Law Journal Company, Inc., March 1974, pp. 827-854.

Project on Law Enforcement Policy and Rulemaking. "Model Rules for Law Enforcement: Release of Arrest and Conviction Records," *Criminal Law Bulletin*, Vol. 9, No. 5. Boston Massachusetts: Warren, Gorham and Lamont, Inc., 1972, pp. 407-415.

Robertson, John A. "Pre-Trial Diversion of Drug Offenders: A Statutory Approach," *Boston University Law Review*, Vol. 52. Boston, Massachusetts: Boston University School of Law, Spring 1972.

Robinson, C. D. "Traveling the Buck Down — A Look at the Political Role of the Police in Society." Montreal, Canada: University of Canada (undated mimeo).

Sarri, Rosemary D., Robert D. Vinter, and Rhea Kish. "Juvenile Justice: Failure of a Nation." (Unpublished paper presented at Annual Meeting of the Directors of Criminal Justice Research Centers, Harvard University Law School, Cambridge, Massachusetts.) May 1974.

Schleifer, Carl B., Robert Derbyshire, and Jean Martin. "Clinical Change in Jail-Referred Mental Patients," *Archives of General Psychiatry*, Vol. 18. Chicago, Illinois: American Medical Association, 1968, pp. 42-46.*

Shepard, George A. "Youth Service Systems: An Innovative Concept in Prevention," *The Police Chief*, Vol. 40, No. 2. Gaithersburg, Maryland: International Association of Chiefs of Police, Inc., February 1973, pp. 48-53.

Siegel, Harvey. "Detoxification Centers," *The Police Chief*, Vol. 38. Gaithersburg, Maryland: International Association of Chiefs of Police, Inc., March 1971, pp. 58-59.

Simpson, Ray Mars. "Attitudes of Teachers and Prisoners Toward Seriousness of Criminal Acts," *The Journal of Criminal Law, Criminology, and Police Science*, Vol. 25,

No. 1. Chicago, Illinois: Northwestern University Press for American Institute of Law and Criminology, 1934, pp. 76-83.

Sullivan, Ronald. "Violence, Like Charity, Begins at Home," *The New York Times*. November 1968.

Swan, L. Alex. "The Politics of Identification, A Perspective of Police Accountability." *Crime and Delinquency*, Vol. 20, No. 2. Hackensack, New Jersey: National Council on Crime and Delinquency, April 1974, pp. 119-128.

Task Force on Juvenile Delinquency and Youth Crime. "The Process of Pre-judicial Handling," *Juvenile Delinquency and Youth Crime*. Washington, D. C.: United States Government Printing Office, 1967.

The Urban Institute. "Measuring Police-Crime Productivity," *Part III of the Challenge of Productivity Diversity: Improving Local Government Productivity Measurement and Evaluation*. Washington, D. C.: The Urban Institute, June 1972.

Treger, Harvey. "Breakthrough in Preventive Corrections: A Police-Social Work Team Model," *Federal Probation*, Vol. XXXVI, No. 4. Washington, D. C.: Administrative Office of the United States Courts, December 1972, pp. 53-58.*

Troy, Frosty. "Children Needing Help," *Delinquency Prevention Reporter*. Washington, D. C.: United States Department of Health, Education and Welfare, May 1973.

Velez-Diaz, Angel and Edwin L. Megargee. "An Investigation of Differences in Value Judgments between Youthful Offenders and Non-offenders in Puerto Rico." *Journal of Criminal Law, Criminology, and Police Science*, Vol. 61, No. 4. Chicago, Illinois: Northwestern University School of Law, December 1970, pp. 549-553.

Vorenberg, Elizabeth W. and James Vorenberg. "Early Diversion from the Criminal Justice System: Practice in Search of a Theory," *Prisoners in America*. Englewood Cliffs, New Jersey: Prentice-Hall, 1973, pp. 151-183.

Vorenberg, James. "Is the Court Handcuffing the Cops?" in Cressey, Donald R. *Crime and Criminal Justice*. Chicago, Illinois: Quadrangle Books, 1971, pp. 82-88.

Waldo, Gordon P. and Nason E. Hall. "Delinquency Potential and Attitudes Toward the Criminal Justice System," *Social Forces*, Vol. 49, No. 2. Chapel Hill, North Carolina: University of North Carolina Press, December 1970.

Ward, Richard H. "The Police Role: A Case of Diversity," *Journal of Criminal Law, Criminology, and Police Science*, Vol. 61, No. 4. Chicago, Illinois: Northwestern University School of Law, December 1970, pp. 580-586.

Warner, S. L. "Randomized Response: A Survey Technique for Eliminating Answer Bias," *Journal of American Statistical Association*, Vol. 60. March 1965, pp. 63-69.

Wattenberg, William and Noel Bufe. "The Effectiveness of Police Youth Bureau Officers," *Journal of Criminal Law, Criminology, and Police Science*. Chicago, Illinois: Northwestern University School of Law, December 1963, pp. 470-475.

Wilcox, A. F. "Police Cautions in Five Towns," *The Criminal Law Review*. London: Sweet and Maxwell, September 1971, pp. 515-520.

Wilson, P. R. and D. Chappell. "The Effects of Police Withdrawal from Traffic Control: A Comparative Study," *The Journal of Criminal Law, Criminology, and Police Science*, Vol. 61, No. 4. Chicago, Illinois: Northwestern University School of Law, 1971, pp. 567-572.

"With Youth-Gang Violence on the Rise — One City's Answer," *U.S. News and World Report*. September 17, 1973, pp. 61-63.

## BOOKS

*A Comprehensive Plan for the Prevention and Control of Juvenile Delinquency in Kansas*. 4 volumes. Topeka, Kansas: Kansas State Department of Social Welfare, June 1972.

Albright, Ellen and others. *Evaluation in Criminal Justice Programs: Guidelines and Examples*. Washington, D. C.: United States Department of Justice, June 1973.

Allen, Francis A. *The Borderland of Criminal Justice: Essays in Law and Criminology.* Chicago, Illinois: University of Chicago Press, 1964.

*A Local Approach to Delinquency Prevention: Youth Services and Resource Bureau.* Austin, Texas: The Texas Research League, July 1971.

American Bar Association Project on Standards for Criminal Justice. *The Urban Police Function.* Chicago, Illinois: American Bar Association, 1972.

*An Analysis of Federal Juvenile and Related Youth Development Programs for* Juvenile Delinquency Planners. Washington, D. C.: The Interdepartmental Council to Coordinate All Federal Juvenile Delinquency Programs, February 1973.

*A New Model for Interprofessional Cooperation: A University Demonstration Project in Manpower Training and Development.* Chicago, Illinois: Police-Social Service Project, 1973.*

*An Examination of Program Services and Objectives of the Kitsap County Council on Youth, Inc.* San Francisco, California: National Council on Crime and Delinquency Western Regional Office, November 1972.

Bard, Morton. *Police Family Crisis Intervention and Conflict Management: An Action Research Analysis.* Washington, D. C.: United States Law Enforcement Assistance Administration, April 1972.

Bard, Morton. *Training Police as Specialists in Family Crisis Intervention.* Washington, D. C.: United States Department of Justice, May 1970.*

Bard, Morton, Joseph Zacker, and Elliot Rutters. *Police Family Crisis Intervention and Conflict Management.* Prepared for the Department of Justice, Law Enforcement Assistance Administration, Washington, D. C., April 1972.

Becker, Harold K. and George G. Felkenes. *Law Enforcement: A Selected Bibliography.* Metuchen, New Jersey: Scarecrow Press, 1968.

*Better Ways to Help Youth: Three Youth Services Systems.* Washington, D. C.: Youth Development and Delinquency Prevention Administration, United States Department of Health, Education and Welfare, 1973.

Bittner, Egon. *The Functions of the Police in Modern Society.* (A Crime and Delinquency Issues monograph.) Chevy Chase, Maryland: United States Department of Health, Education and Welfare, November 1970.

Black, Donald J. and Albert J. Reiss, Jr. *Patterns of Behavior in Police and Citizen Transactions,* Vol. 2 of *Studies in Crime and Law Enforcement in Major Metropolitan Areas.* Washington, D. C.: United States Government Printing Office, 1967.

Bordura, David J. (ed.). *The Police: Six Sociological Essays.* New York, New York: John Wiley and Sons, Inc., 1967.

Cain, Maureen E. *Society and the Policeman's Role.* Boston, Massachusetts: Ruotledge & Kegan Paul, Ltd., 1973.

Carter, Robert M. and Malcolm W. Klein (eds.). *Back on the Streets: Police Diversion of Juvenile Offenders.* Englewood Cliffs, New Jersey: Prentice Hall, in press.

Casper, J. D. *American Criminal Justice.* Englewood Cliffs, New Jersey: Prentice Hall, Inc., 1972.

Chevigny, Paul. *Cops and Rebels.* New York, New York: Pantheon Books, 1972.

Chevigny, Paul. *Police Power.* New York, New York: Pantheon Books, 1969.

Cicourel Aaron V. *The Social Organization of Juvenile Justice.* New York, New York: John Wiley & Sons, Inc., 1968.

Cole, George F. *Politics and the Administration of Justice.* Beverly Hills, California: Sage Publications, 1973.

Cook, James I. *Delinquency Prevention Through Diversion to Community Resources.* (Unpublished Master's thesis.) California State University, Los Angeles, California, 1973.*

Cottle, William C. *Predicting Potential Delinquents in Junior High School.* Chestnut Hill, Massachusetts: School of Education, Boston College, 1969.

Cressey, Donald R. and Robert A. McDermott. *Diversion from the Juvenile Justice System*. Ann Arbor, Michigan: National Assessment of Juvenile Corrections, June 1973.

*Crime in the United States, 1972*. Washington, D. C.: United States Government Printing Office, August 8, 1973.

Crisafi, Frank J. and Fred A. Wileman (eds.). *Guidelines for Discretion: Twelve Models for Local Law Enforcement Agencies*, Vol. 2. Madison, Wisconsin: University Extension, The University of Wisconsin, 1971.

Cumming, Elaine. *Systems of Social Regulation*. Chicago, Illinois: Aldine Publishing Co., 1968.

*Delinquency Prevention Through Youth Development*. Washington, D. C.: Youth Development and Delinquency Prevention Administration, United States Department of Health, Education and Welfare, May 1972.

Department of the Youth Authority. *An Assessment and Directory of Federally Funded Delinquency Prevention Projects in California*. Washington, D. C.: Youth Development and Delinquency Prevention Administration, November 1973.

*Diversion from the Criminal Justice System*. Rockville, Maryland: United States Department of Health, Education and Welfare, 1971.

*Diverting Youth from the Correctional System*. Washington, D. C.: Social and Rehabilitation Service, United States Department of Health, Education and Welfare, 1972.

*Diverting Youth from the Correctional System*. Washington, D. C.: Youth Development and Delinquency Prevention Administration, United States Department of Health, Education and Welfare, 1971.

Edlen, Robert and Betty Adams (eds.). *Volunteer Courts: A Child's Helping Hand*. Washington, D. C.: Law Enforcement Assistance Administration, April 1970.

Eisenberg, Terry and others. *Project Pace: Police and Community Enterprise — A Program for Change in Police-Community Behaviors*. Washington, D. C.: Institute for Research on Organizational Behavior, August 1971.

Eldefonso, Edward. *Law Enforcement and the Youthful Offender: Juvenile Procedures*. New York, New York: John Wiley & Sons, Inc., 1967.

Emerson, Robert M. *Judging Delinquents*. Chicago, Illinois: Aldine Publishing Company, 1969.

Empey, Lamar T. and Maynard L. Erickson. *The Provo Experiment: Evaluating Community Control of Delinquency*. Lexington, Massachusetts: D. C. Heath and Company, 1972.

Empey, Lamar T. and Steven G. Lubeck. *The Silverlake Experiment: Testing Delinquency Theory and Community Intervention*. Chicago, Illinois: Aldine Publishing Co., 1971.

*Expenditure and Employment Data for the Criminal Justice System 1970-1971*. Washington, D. C.: United States Department of Commerce, April 1973.

Fautsko, Timothy F. and Ivan H. Scheier. *Volunteer Programs In Prevention and Diversion*. Boulder, Colorado: National Information Center, August 1973.

Flammang, C. J. *Police Juvenile Enforcement*. Springfield, Illinois: Charles C. Thomas, 1972.

Fox, Sanford J. *Modern Juvenile Justice: Cases and Materials*. St. Paul, Minnesota: West Publishing Co., 1971.

Gold, Martin. *Delinquent Behavior in an American City*. Belmont, California: Brooks/Cole Publishing Co., 1970.

Goldman, Nathan. *Differential Selection of Juvenile Offenders for Court Appearance*. New York, New York: National Council on Crime and Delinquency, 1963.

Hahn, Harlan (ed.). "Police and Society," *American Behavioral Scientist*, Vol. 13, Nos. 5 and 6. Beverly Hills, California: Sage Publications, Inc., May-August 1970.

Hewitt, William H. *A Bibliography of Police Administration, Public Safety, and Criminology to July 1, 1965*. Springfield, Illinois: Charles C. Thomas, 1967.

High Impact Anti-Crime Program, Vols. I, II and III. Denver, Colorado: Denver Anti-Crime Council, 1973-1974.

Howard, Mary Katherine. *Police Encounters with Juvenile Offenders.* (Unpublished dissertation.) University of Colorado, Boulder, Colorado, 1972.*

Institute of Government. *Models for Delinquency Diversion.* Athens, Georgia: The University of Georgia, October 1971.

*Juvenile Diversion: A Perspective.* College Park, Maryland: The American Correctional Association, 1972.

Kobetz, Richard W. and Betty B. Bosarge. *Juvenile Justice Administration.* Gaithersburg, Maryland: International Association of Chiefs of Police, Inc., 1973.

La Fave, Wayne R. *Arrest: The Decision to Take a Suspect into Custody.* Boston, Massachusetts: Little, Brown, 1965.

Lane, R. *Policing the City: Boston, 1822-1885.* Cambridge, Massachusetts: Harvard University Press, 1967.

Leahy, Frank J., Jr. and others. *A Literature Review of Police Planning and Research.* Hartford, Connecticut: The Travelers Research Center, Inc., October 1968.

Lemert, Edwin M. *Instead of Court: Diversion in Juvenile Justice.* (A Crime and Delinquency Issues Monograph.) Rockville, Maryland: United States Department of Health, Education and Welfare, 1972.

Lunden, Walter A. *Police Image.* Ames, Iowa: Iowa State University of Science and Technology, 1971.

McCrea, Tully L. and Don M. Gottfredson. *A Guide to Improved Handling of Misdemeanant Offenders.* Davis, California: National Council on Crime and Delinquency Research Center, 1973.

McGehee, A. L. *Police Literature: An Annotated Bibliography.* Athens, Georgia: University of Georgia Institute of Government, 1970.

Matthews, Arthur R. *Mental Disability and the Criminal Law: A Field Study.* Chicago, Illinois: American Bar Foundation, 1970.

Miller, Frank W., Robert O. Dawson, George E. Dix, and Raymond I. Parnas. *The Police Function.* Mineola, New York: The Foundation Press, Inc., 1971.

*New Approaches to Diversion and Treatment of Juvenile Offenders.* Washington, D. C.: Law Enforcement Assistance Administration, 1973.

Niederhoffer, Arthur. *Behind the Shield: The Police in Urban Society.* Garden City, New York: Doubleday, 1967.

Niederhoffer, Arthur and Abraham S. Blumberg. *The Ambivalent Force: Perspectives on the Police.* Waltham, Massachusetts. Ginn and Company, 1970.

Nimmer, Raymond T. *Alternative Forms of Prosecution: An Overview of Diversion from the Criminal Justice Process.* (Unpublished work.)

Nimmer, Raymond T. *Two Million Unnecessary Arrests: Removing a Social Service Concern from the Criminal Justice System.* Chicago, Illinois: American Bar Foundation, 1971.

Ohlin, Lloyd E. and Henry S. Ruth, Jr. (eds.). "Combating Crime," *The Annals of the American Academy of Political and Social Science,* Vol. 374. Philadelphia, Pennsylvania: The American Academy of Political and Social Science, November 1967.

Pink, William T. and Mervin F. White (eds.). *Delinquency Prevention: A Conference Perspective on Issues and Directions.* Portland Oregon: Portland State University 1973.

*Preventing Delinquency: The Use of Volunteers in Providing Services to Non-Adjudicated Children in a Court Setting.* Oklahoma City, Oklahoma: Oklahoma City Junior League, September 1969.

Pursuit, Dan G. and others (eds.). *Police Programs for Preventing Crime and Delinquency.* Springfield, Illinois: Charles C. Thomas, 1972.

Reckless, Walter C. and Barbara Ann Kay. *The Female Offender.* (A study submitted to the President's Commission on Law Enforcement and Administration of Justice.) 1967.

Reiss, Albert J., Jr. *Career Orientation, Job Satisfaction, and the Assessment of Law Enforcement in Major Metropolitan Areas,* Vol. 2. Washington, D. C.: United States Government Printing Office, May 1967.

Reiss, Albert J., Jr. *The Police and the Public.* New Haven, Connecticut: Yale University Press, 1971.

Reiter, Steven and Donald M. Atwater. *Bell Gardens Youth Services Center.* Sacramento, California: California Council on Criminal Justice, March 1973.*

Rock, Ronald S., Marcus A. Jackson, and Richard M. Janopaul. *Hospitalization and Discharge of the Mentally Ill.* Chicago, Illinois: The University of Chicago Press, 1968.

Rubinstein, Jonathan. *City Police.* New York, New York: Farrar, Straus, and Giroux, 1973.

Runaway Youth Committee. *Runaway Youth in Minneapolis.* Minneapolis, Minnesota: Community Health and Welfare Council, January 1971.

Saunders, C. B. *Upgrading the American Police: Education and Training for Better Law Enforcement.* Washington, D. C.: Brookings Institution, 1970.

Schur, Edwin M. *Radical Nonintervention: Rethinking the Delinquency Problem.* Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1973.

Siegel, Harvey H. *Alcohol Detoxification Programs: Treatment Instead of Jail.* Springfield, Illinois: Charles C. Thomas, 1973.

Skolnick, Jerome H. *Justice Without Trial: Law Enforcement in Democratic Society.* New York, New York: John Wiley and Sons, Inc., 1966.

Smith, B. *Police Systems in the United States.* (revised edition). New York, New York: Harper and Row, 1960.

Smith, Cyril S., M. F. Farrant, and H. J. Marchant. *Wincroft Youth Project: A Social Work Program in a Slum Area.* London: Barnes and Noble Co., 1972.

Steadman, Robert F. (ed.). *The Police and the Community.* Baltimore, Maryland: The Johns Hopkins University Press, 1972.

Stratton, John Glenn. *Effects of Crisis Intervention Counseling on First or Second Time 601 or Misdemeanor 602 Juvenile Offenders.* (Unpublished dissertation.) University of Southern California, Los Angeles, California 1974.

*Struggle for Justice.* New York: Hill and Wang, 1971.

Sundeen, Richard A., Jr. *A Study of Factors Related to Police Diversion of Juveniles: Departmental Policy and Structure, Community Attachment, and Professionalization of Police.* (Unpublished dissertation). Ann Arbor, Michigan: University Microfilms, 1972.

*The Deterrent Effectiveness of Criminal Justice Sanction Strategies: Summary Report.* Washington, D. C.: National Institute of Law Enforcement and Criminal Justice, September 1973.

Toch, Hans. *Violent Men.* Chicago, Illinois: Aldine Publishing Co., 1969.

True, Donald A. *Evaluative Research in a Police Juvenile Diversion Program.* (Unpublished dissertation.) University of Oregon, Eugene, Oregon, 1973.*

*Use of Manpower in a City Police Force.* Santa Monica, California: Social Development Corporation, January 1973.

Wambaugh, Joseph. *The Blue Knight.* New York, New York: Dell Publishing Company, 1970.

Wambaugh, Joseph. *The New Centurians.* New York, New York: Dell Publishing Company, 1970.

Weis, Charles W. *Diversion of the Public Inebriate from the Criminal Justice System.* Washington, D. C.: United States Department of Justice, undated.

Whyte, William F. *Street Corner Society.* Chicago, Illinois: University of Chicago Press, 1943.

Wileman, Fred A. (ed.). *Guidelines for Discretion: Five Models for Local Law Enforcement Agencies.* Madison, Wisconsin: University Extension, the University of Wisconsin, 1970.

Wilson, James Q. *Varieties of Police Behavior: The Management of Law and Order in Eight Communities:* New York, New York: Antheneum, 1970.

Working Committee on Alcohol Abuse. *Directory of Alcohol Abuse Services in Boulder County.* Boulder, Colorado: The Boulder City-County Health Department, October 1973.

*1971 Comprehensive Juvenile Delinquency Prevention and Control Plan for Michigan.* Lansing, Michigan: Office of Criminal Justice Programs, December 1970.

## REPORTS

*Addendum to: The Model Cities Juvenile Treatment Project First Annual Report.* Des Moines, Iowa, November 1972.

Alameda County. *Study of the Detention Requirements of Alameda County: Phase II Interim Report.* Oakland, California, December 1973.

American Justice Institute. *Pre-Delinquent Diversion Project: Quarterly Report (July 1, 1973-September 30, 1973).* Santa Clara, California, undated*

American Justice Institute. *Research and Evaluation Study of the Santa Clara County Pre-Delinquent Diversion Program.* Santa Clara, California, undated.*

*An Evaluation Progress Report of the Alternate Routes Project Following Nineteen Months of Development and Demonstration.* Los Angeles, California: Regional Research Institute in Social Welfare, June 1973.

Arellano, Fernando, Jr. *General Information Report on Youth Services Project.* San Antonio, Texas, undated.

Bates, Ronald, *Second-Year Evaluation of Project Culver.* Los Angeles, California: Social Service Research Institute, February 1973.

*Center for Comprehensive Alcoholism Treatment Detoxification Program,* undated. (Unpublished work.)

Chino Police Department. *Delinquency Prevention Project - Delinquency Prevention in Chino Through Community Involvement: First Year Final Progress Report.* Chino, California, July 1, 1973.*

City of San Antonio. *Youth Services Project Monthly Intake Status (January-December 1973).* San Antonio, Texas, undated.

City of San Antonio. *Youth Services Project Yearly Intake Status (January-December 1972).* San Antonio, Texas, undated.

Cooper, William B. and Richard Galbraith. *Neighborhood Factors Affecting Delinquency Rates.* Phoenix, Arizona: Arizona Department of Corrections, April 1974.

Davis Police Department. *Report of the Davis Police Youth Service Division:* Follow-Up. Davis, California, 1973.*

Denver High Impact Anti-Crime Program. *Project Intercept: Third Quarterly Summary Evaluation Report (February 1973-August 1973).* (Preliminary report.) Denver, Colorado, undated.

Department of the Youth Authority. *Program Planning Policy.* Sacramento, California, April 1971.

Department of the Youth Authority. *Youth Service Bureaus: A National Study.* Washington, D. C.: United States Department of Health, Education and Welfare, 1973.

Disler, Donald D. *Disciplinary Decision-Making at Berkeley High School as It Affects Relations Between the School and the Local Police and Probation Departments.* Berkeley, California: University of California School of Law, April 1972.

Duxbury, Elaine. *Evaluation of Youth Service Bureaus.* Sacramento, California: Department of the Youth Authority ,November 1973.

Forward, John R. *Evaluation Plan for the Police-to-Partners Court Diversion Project.* Denver, Colorado, undated.

Forward, John R. *Pretest Analysis for the Police-to-Partners Court Diversion Project.* Denver, Colorado, undated.

Forward, John R. and others. *Research and Evaluation of Partners, Inc.: A Volunteer Intervention Program for Court-Referred Youth in Denver, Colorado.* Boulder, Colorado, December 1973.

Harrison, Eddie M. *Baltimore Pre-Trial Intervention Project: A Project Summary.* Baltimore, Maryland, undated.

Hester, Wendell T. *The Louisiana High School Youth Project: A Final Report.* Baton Rouge, Louisiana: Institute of Urban and Population Research, February 1972.

Holahan, John F. *A Benefit-Cost Analysis of Project Crossroads.* Washington, D. C.: The National Committee for Children and Youth, December 1970.

Juvenile Division of the Chula Vista Police Department *Report on a Study of Delinquency, Population Growth, and Recidivism.* Chula Vista, California, October 1973.

Kalin, Paul. *Misdemeanant Programs Project.* (An onsite evaluation.) Minneapolis, Minnesota, January 1973.

Leiberg, Leon G. *Project Crossroads: A Final Report to the Manpower Administration, U. S. Department of Labor.* Washington, D.C.: The National Committee for Children and Youth, 1971.

Los Angeles Sheriff's Department. *Preliminary Report of the Los Angeles County Sheriff's Office Juvenile Diversion Program, 1973.* Los Angeles, California, undated.

Los Angeles Sub-Regional Advisory Board. *Police Processing of Juvenile Offenders: Toward the Development of Juvenile System Rates.* Los Angeles, California, October 1970.

*Manhattan Bowery Corporation.* (Annual report.) New York, New York, July 1970.

*Manhattan Summons Project.* New York, New York: The Criminal Justice Coordinating Council of New York, undated.

*Models for Delinquency Diversion.* Athens, Georgia: Corrections Division, Institute of Government, University of Georgia, October 1971.

Muller, Bruce P. *Evaluation of the Operational Phase (February-August 1973) of the First Year of the Multi-Site Counselor Rehabilitation Program for Alcoholic Offenders.* New Haven, Connecticut: Connecticut Planning Committee on Criminal Administration, November 1973.*

*National Evaluation of Youth Service Systems Final Report.* Boulder, Colorado: Behavioral Research and Evaluation Corporation, July 1973.*

New Zealand Youth Aid Section. *Comment on Statistical Return and Annual Report for 1972.* (Unpublished comments.)

Orange County Probation Department. *Overview of Assessment and Treatment Service Center Program,* Santa Ana, California, 1972.

Pasadena Police Department. *Pasadena Police-Community Youth Development Services Project Evaluation.* (Fifth-Seventh Quarterly Reports.) Pasadena, California, 1972-1973.

*Pre-Court Screening Unit Procedural Manual.* Hennepin County, Minnesota, 1973.

Redding, Conway and Brigitta Olsen. *Highlights of First-Year Evaluation of Project Diversion for the San Francisco Police Department (1972-1973).* San Francisco, California, undated.

*Report of the National Advisory Commission on Civil Disorders.* New York, New York, Bantam Books, 1968.

Research Department, Community Health and Welfare Council of Hennepin County, Inc. *Follow-Up Study of Runaway Youth Served by the Bridge.* Minnesota, undated.

Richmond Police Department. *Diversion of Juvenile Offenders. Preliminary Analyses of Overall Program.* Richmond, California, March 1973.*

Rogers, Charles W. *Comments on Development of a Prosecutor Diversionary System.* Minneapolis, Minnesota: Pre-Hearing Information Service, February 1973.

Rouner-Pieczenik, Roberta. *Project Crossroads as Pre-Trial Intervention: A Program Evaluation.* Washington, D. C.: The National Committee for Children and Youth, December 1970.

Sacramento Police Department. *Report on the Adult Marginal Drug Diversion Program.* Sacramento, California, 1973.*

Sacramento Police Department's Youth Services Division. *Evaluation Report of the Delinquency Prevention Unit Project.* Sacramento, California, June 1972.*

St. Louis Metropolitan Police Department. *The St. Louis Detoxification and Diagnostic Evaluation Center.* Washington, D. C.: Law Enforcement Assistance Administration, 1969.*

Santa Clara County Alcohol Program Evaluation and Referral Unit. *Monthly Report for December 1973.* (Unpublished work.) San Jose, California, undated.

Santa Clara County Health Department, *Alcoholism Treatment Program.* San Jose, California, undated.

Scherman, Richard F. *Pre-Court Screening Unit.* (A Final Progress Report.) Hennepin County, Minnesota, February 1972.

Schwartz, Paul L. *A Survey of Social and Civic Agencies Concerning Services to Delinquents, or Youth at Risk of Delinquency in the Memphis Metropolitan Area.* (Part IV of the Research Report submitted to the Advisory Council of the Juvenile Delinquency Planning Project.) Memphis Tennessee: Juvenile Delinquency Planning Project, 1971.

Seattle Police Department. *Social Agency Referral Evaluation Report (January 1972-June 1973).* Seattle, Washington, undated.

Toledo Metropolitan Area Council of Governments. *Criminal Victimization Study: A Report of a Regional Survey.* Toledo, Ohio, April 1972.

True, Donald. *Richmond Police Department Preliminary Analyses of Overall Program: Diversion Evaluation.* (Preliminary Report.) Richmond, California, March 1973.

Urban and Rural Systems Associates. *Evaluation of the Community Youth Responsibility Program: Second Program Year.* East Palo Alto, California, 1973.

Vera Institute of Justice. *Pre-Trial Intervention: The Manhattan Court Employment Project. Final Report.* New York, New York, 1972.

Winston-Salem Police Department. *Community Services Unit: First Report and Preliminary Evaluation.* Winston-Salem, North Carolina, July 1967.

Winters Police Department. *Report on the Police Department Diversion Program.* Winters, California, 1973.

Youth Services Unit of the Pasadena Police Department. *Treating Troubled Kids: An Innovative Police Solution to the Problems of Young People Within Our Society.* Pasadena, California, undated.

## MISCELLANEOUS

Albuquerque Police Department. *General Order: Misdemeanant Citations.* Albuquerque, New Mexico, 1971.

City of Simi Valley and Community Safety Agency. *Police Problem Solving and Social Conflict.* (A work plan presented to the Police Foundation.) Simi Valley, California, November 1972.

*Community Services Directory.* Eugene, Oregon: Lane County Council of Governments, April 1973.

*The Community Youth Responsibility Program.* (A description of the program.) East Palo Alto, California, undated.

Division of Police. *Criminal Justice Section Proposal and Related Materials.* (Unpublished work.) Cincinnati, Ohio, undated.

*Hudson County Pretrial Intervention Project and Vocational Service Center Program/ Procedures.* Hoboken, New Jersey, May 1973.

Lacy, James L. *Police-Based Diversion: Status of Program Activity.* (Memorandum to the Board of Directors; Members of the Ad Hoc Diversion Committee of the National Police Foundation.) March 9, 1973.*

Law Enforcement Assistance Administration. *Adult Diversion: Search and Retrieval.* Washington, D. C.: National Criminal Justice Reference Service, undated.

Law Enforcement Assistance Administration. *Arrest: Search and Retrieval.* Washington, D. C.: National Criminal Justice Reference Service, undated.

Law Enforcement Assistance Administration. *Index of Abbreviations and Addresses of Sources of Documents.* Washington, D. C.: National Criminal Justice Reference Service, undated.

Law Enforcement Assistance Administration. *Juvenile Court Diversion: Search and Retrieval.* Washington, D. C.: National Criminal Justice Reference Service, undated.

Law Enforcement Assistance Administration. *Pretrial Release, Programs and Services: Search and Retrieval.* Washington, D. C.: National Criminal Justice Reference Service, undated.

Los Angeles Police Department. *Order No. 36: Juvenile Case Dispositions.* Los Angeles, California, October 1973.

National Center for State Courts. "Diversion Projects." (From the *Guidebook of Projects for Prosecution and Defense Planning* and *The Court Improvement Programs: A guidebook for Planners)* undated.

Oakland Police Department. *Handbook of Referral Agencies for Patrol Officers.* Oakland, California, undated.

Office of the Chief Engineer of Los Angeles. *Fireman Counselor Program.* Los Angeles, California, June 1972.

*The Runaway Youth Act. 93rd Congress, 1st Session. Report No. 93-191.* (1973). Washington, D. C.

Sacramento Police Department. "Detoxification Program," *Roll Call Training Bulletin, Vol XX.* Sacramento, California, undated.

Sarri, Rosemary C. *Remarks.* (Presented at the Hearing of the House of Representatives Select Committee on Crime.) Ann Arbor, Michigan: The National Assessment of Juvenile Corrections Project, April 1973.

Simi Valley Community Safety Agency. *Bicycle Court Manual.* Simi Valley, California, undated.

*Social Sciences Citation Index.* Philadelphia, Pennsylvania: Institute for Scientific Information (January-April and May-August 1973).

United States Department of Justice. *New Approaches to Diversion and Treatment of Juvenile Offenders.* (A Criminal Justice Monograph.) Washington, D. C.: United States Government Printing Office, June 1973.

## GRANT APPLICATIONS

Fuller, Don. *Intercept Continuation.* Denver Colorado, November 1973.

Garcia, Gilbert. *San Diego Police Department Youth Resources Program.* San Diego, California, July 1973.

Gilpatrick, Arlo. *Santa Clara County Detoxification and Rehabilitation Planning Center.* San Jose, California, November 1973.

Gonzales, Larry. *Southwest Y.E.S.* Denver, Colorado, June 1973.

Inman, J. F. *Target Hardening Opportunity Reduction.* Atlanta, Georgia.

Lacy, James L. *Police-Based Diversion of Selected Arrested Adult Drug Offenders in Sacramento, California.* March 1973.

Landsdowne, Paul F. *Family Counseling and Community Agency Coordination Unit.* Long Beach, California, January 1974.

McCartney, Clark A. *Diversion as Operationalization of Labeling Theory.* Los Angeles, California, February 1974.

McGowan, Robert H. *Police-Community Youth Development Service.* Pasadena, California, April 1972.

Moffitt, Robert C. *Police-to-Partners Diversion Project.* Denver, Colorado, March 1973.

Scherman, Richard F. *Pre-Court Screening Program.* Hennepin County, Minnesota, 1973.

Tate, Richard. *Northeast Denver Youth Service Bureau.* Denver, Colorado, November 1972.